

MAXINE WHITE vs FRONTIER AIRLINES, INC., ET AL.  
Maxine White on 12/19/2018

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 AUSTIN DIVISION

4 MAXINE WHITE,  
5 Plaintiff

6 V.

7 FRONTIER AIRLINES, INC.,  
8 Defendant

9 THE AUSTIN FIRE DEPARTMENT,  
10 THE CITY OF AUSTIN AVIATION  
11 DEPARTMENT, AUSTIN-BERGSTROM  
12 INTERNATIONAL AIRPORT, THE  
13 CITY OF AUSTIN, AND FLIGHT  
14 SERVICES & SYSTEMS, INC.,  
15 Third-Party Defendants.

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\*  
\* A-16-CV-1266-AWA  
\*  
\* JURY DEMAND  
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16 \* \* \* \* \*  
17 ORAL/VIDEO DEPOSITION  
18 OF  
19 MAXINE WHITE  
20 DECEMBER 19, 2018  
21 \* \* \* \* \*

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2	ORAL/VIDEO DEPOSITION OF MAXINE WHITE, produced	2	Appearances 3
3	as a witness at the instance of the Defendant, and		Change Page 202
4	duly sworn, was taken in the above-styled and	3	
5	numbered cause on the 19th of December, 2018, from	4	EXAMINATION
6	8:52 a.m. to 1:24 p.m., before RHONDA HOWARD, CSR in	5	Examination by Mr. Comerford 7
7	and for the State of Texas, reported by machine		Examination by Ms. Lippman Salinas 176
8	shorthand, at the offices of Smith Robertson, LLP,	6	Examination by Mr. Hepworth 188
9	221 W. Sixth Street, Suite 1100, Austin, Texas,	7	SIGNATURE SHEET 203
10	pursuant to the Federal Rules of Civil Procedure and		REPORTER'S CERTIFICATION 204
11	the provisions stated on the record or attached	8	
12	hereto.	9	EXHIBITS
13		10	NUMBER DESCRIPTION PAGE
14		11	EXHIBIT A PLF'S OBJECTIONS AND 7
15			ANSWERS TO FIRST SET OF
16		12	INTERROGATORIES
17		13	EXHIBIT B PLF'S OBJECTIONS AND 7
18			RESPONSES TO DFT, FA,
19		14	FIRST SET OF INTERROGATORIES
20		15	EXHIBIT C 9/12/08 MED. HISTORY PAGE 7
21		16	EXHIBIT D 4/17/09 HIM MED. RECORD 7
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23		18	EXHIBIT F 7/7/10 ADC HISTORY 7
24		19	EXHIBIT G 7/7/10 ARA RECORD 7
25		20	EXHIBIT H 7/7/10 HIM MED. RECORD 7
		21	EXHIBIT I NOT MARKED OR ADMITTED
		22	EXHIBIT J 7/9/10 HIM RECORD 7
		23	EXHIBIT K 7/9/10 HIM RECORD 7
		24	EXHIBIT L 7/13/10 ADC RECORD 7
		25	EXHIBIT M 2010 HIM RECORD 7
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1	APPEARANCES	1	EXHIBITS, CONTINUED
2		2	NUMBER DESCRIPTION PAGE
3	FOR THE PLAINTIFF:	3	EXHIBIT N 7/29/10 ADC RECORD 7
4	Mr. Joel A. Levine	4	EXHIBIT O NAMC RECORD 7
5	THE LAW OFFICE OF JOEL A. LEVINE, PLLC	5	EXHIBIT P TXDOT WORKLIFE BALANCE FORM 7
6	1515 W. Koenig Lane	6	EXHIBIT Q 9/19/11 HIM RECORD 7
7	Austin, Texas 78756	7	EXHIBIT R 2/25/13 PATIENT QUESTIONNAIRE 7
8	(512) 982-1510	8	EXHIBIT S 4/16/14 INSPIRE RECORD 7
9	joel@joelalevine.com	9	EXHIBIT T 7/14/14 ARA RECORD 7
10	FOR THE DEFENDANT, FRONTIER AIRLINES, INC.:	10	EXHIBIT U 7/14/14 ARA RECORD 7
11	Mr. Patrick J. Comerford	11	EXHIBIT V 7/14/14 INSPIRE RECORD 7
12	SMITH ROBERTSON, LLP	12	EXHIBIT W 7/18/14 ARA RECORD 7
13	221 West Sixth Street, Suite 1100	13	EXHIBIT X 7/18/14 ARA RECORD 7
14	Austin, Texas 78701	14	EXHIBIT Y 7/18/14 ARA RECORD 7
15	(512) 225-5810	15	EXHIBIT Z 7/24/14 APA RECORD 7
16	pcomerford@smith-robertson.com	16	EXHIBIT AA 7/31/14 APA OPERATIVE REPORT 7
17	FOR THE DEFENDANT, FSS:	17	EXHIBIT BB 8/6/14 INSPIRE RECORD 7
18	Mr. Andrew T. Hepworth	18	EXHIBIT CC 9/5/14 HIM RECORD 7
19	COZEN O'CONNOR	19	EXHIBIT DD 11/6/14 APA RECORD 7
20	1717 Main Street, Suite 3100	20	EXHIBIT EE 12/19/14 INSPIRE RECORD 7
21	Dallas, Texas 75201	21	EXHIBIT FF 4/30/15 APA OPERATIVE REPORT 7
22	(214) 462-3039	22	EXHIBIT GG AAAHC PATIENT PROCEDURE 7
23	aheworth@cozen.com	23	EXHIBIT HH 4/22/15 INSPIRE RECORD 7
24	FOR THE DEFENDANT:	24	EXHIBIT II 4/24/15 CPRMC RECORD 7
25	Ms. Joanna Lippman Salinas	25	EXHIBIT JJ PAUL LE VOIDED RECORD 7
	FLETCHER FARLEY		
	2530 Walsh Tarlton Lane, Suite 150		
	Austin, Texas 78746		
	(512) 476-5300		
	joanna.salinas@fletcherfarley.com		
	THE VIDEOGRAPHER:		
	Ms. Nicole Owen		

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Page 6			Page 8		
1	EXHIBITS, CONTINUED		1	times you're going to know where we're going with	
2	NUMBER DESCRIPTION PAGE		2	the question, but for the sake of the court reporter	
3	EXHIBIT KK 5/11/15 INSPIRE RECORD 7		3	and for the video just wait until we're finished.	
4	EXHIBIT LL 8/28/15 INSPIRE RECORD 7		4	It'll also give your lawyer an opportunity, Joel, to	
5	EXHIBIT MM 9/29/15 SMC IMAGING REPORT 7		5	object if he needs to.	
6	EXHIBIT NN 8/24/15 AB&S LETTER TO DR. LE 7		6	A Okay.	
7	EXHIBIT OO 4/20/16 AB&S LETTER TO DR. LE 7		7	Q So even if you know where I'm going before	
8	EXHIBIT PP 12/7/16 AB&S LETTER TO DR. GUERRA 7		8	I get to the end of the question it's very different	
9			9	than a regular discussion where you know where I'm	
10	EXHIBIT QQ 4/3/17 MCCORMICK VISION 7		10	going.	
11	SOURCE RECORD		11	A Okay.	
12			12	Q And you just answer it. Because, oh, I	
13			13	know what you want to know; here, let me tell you.	
14			14	Wait until I'm finished and then you can answer.	
15			15	I'd also say hand motions, nodding the	
16			16	head. The video will pick that up, but for the	
17			17	clarity on the record, we need a verbal response for	
18			18	every question. Understood?	
19			19	A Understood. I was not --	
20			20	Q That was a test.	
21			21	A -- only because I was letting you finish	
22			22	your sentence.	
23			23	Q Yeah. Right.	
24			24	And I'll say that if you don't understand	
25			25	anything I ask or you have any questions or need me	
Page 7			Page 9		
1	(8:52 a.m.)		1	to clarify, please tell me. If you answer any of my	
2	(Deposition Exhibit Nos. A-H and J-QQ marked)		2	questions, I'm going to assume you understood what I	
3	THE VIDEOGRAPHER: The time is 8:52,		3	said.	
4	Wednesday December 19th, 2018. This is the		4	A Okay.	
5	beginning of the video deposition of Maxine White,		5	Q If you tell me, "I don't know what you're	
6	Media 1. We are now on the record. Will the court		6	talking about. I need more clarification," that's	
7	reporter please swear in the witness.		7	fine. Okay?	
8	MAXINE WHITE,		8	A Okay.	
9	having been duly sworn, testified as follows:		9	Q Any time you need a break, anything I can	
10	THE REPORTER: Thank you. We're on		10	fix or make more comfortable, let me know. It's not	
11	the record.		11	a marathon. You need to take breaks, tell us.	
12	EXAMINATION		12	About every hour I want to take a break anyway.	
13	BY MR. COMERFORD:		13	A Okay.	
14	Q Morning, Ms. White.		14	Q And let's see if there's anything else.	
15	A Good morning.		15	We did the swearing in.	
16	Q My name is Pat Comerford. I represent		16	Any meds you're on today or any reasons	
17	Frontier Airlines in a lawsuit that you've brought.		17	you cannot testify here today truthfully or	
18	We're here to take -- take your testimony. Have you		18	accurately?	
19	ever given a deposition before?		19	A No.	
20	A No.		20	Q Okay. We got some of your medical records	
21	Q Okay. So I just want to go over some		21	in, and I had a list of the -- the drugs that they	
22	ground rules. You've heard them from the court		22	listed from last April. I just wanted to go through	
23	reporter. I'm going to repeat them. What we're		23	them and see if these are drugs that you're still	
24	doing is I'm going to ask you a series of questions.		24	taking daily now. Okay?	
25	Other people might have questions for you. A lot of		25	A Okay.	

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Page 10	Page 12
<p>1 Q Hydromorphone?</p> <p>2 A That is occasional.</p> <p>3 Q Okay. And what is that for?</p> <p>4 A That's for pain.</p> <p>5 Q Pain. All right.</p> <p>6 And who -- who prescribes that?</p> <p>7 A Dr. Le, my pain doctor.</p> <p>8 Q Le.</p> <p>9 And Cyclobenzaprine?</p> <p>10 A I think that's for nerves, the nerves --</p> <p>11 not -- the nerves in my body from my back to down my</p> <p>12 legs. It -- it helps that.</p> <p>13 Q Is that also Le?</p> <p>14 A Yes.</p> <p>15 Q Voltaren?</p> <p>16 A Voltaren. That's a cream, and I only use</p> <p>17 it when I'm taking the Hydromorphone.</p> <p>18 Q Is there some sort of reaction to the</p> <p>19 Hydromorphone that the Voltaren --</p> <p>20 A Well, it just helps the back faster, you</p> <p>21 know --</p> <p>22 Q I see.</p> <p>23 A -- it kind of numbs it and gives the pill</p> <p>24 a chance to have the pain at a point that I can</p> <p>25 tolerate it.</p>	<p>1 shut the closet door on the top of my foot, and the</p> <p>2 shock of it apparently gave me two blood clots in my</p> <p>3 leg. So now I have to take blood thinners, and that</p> <p>4 won't be on there. This is all like since</p> <p>5 September.</p> <p>6 Q Uh-huh.</p> <p>7 A And it just makes this worse. If you</p> <p>8 press just too hard on my hand, one of these would</p> <p>9 come up.</p> <p>10 Q So that's not from any injections --</p> <p>11 A No.</p> <p>12 Q -- those just appear on their own?</p> <p>13 A They appear because I bump something.</p> <p>14 Usually I bump something.</p> <p>15 This one was I bumped my hand on the front</p> <p>16 door, so...</p> <p>17 Q Okay. The next one I had was Benicar?</p> <p>18 A Benicar is blood pressure medicine.</p> <p>19 Q Okay. Are you still taking that?</p> <p>20 A Oh, yes.</p> <p>21 Q Okay. And I should ask, are the -- the</p> <p>22 drugs that I'm listing, are they drugs that you took</p> <p>23 today?</p> <p>24 Did you take Hydromorphone today?</p> <p>25 A No.</p>
Page 11	Page 13
<p>1 Q Is it like Icy Hot or something?</p> <p>2 A Kind of, but a lot stronger.</p> <p>3 Q Okay. Farxiga?</p> <p>4 A Farxiga? Oh, no. I don't take that any</p> <p>5 longer.</p> <p>6 Q What was that for?</p> <p>7 A That was diabetes.</p> <p>8 Q Diabetes.</p> <p>9 Okay. Why don't you take it any longer?</p> <p>10 A Because now I take Trulicity, and it's an</p> <p>11 injection, because I still make insulin. This just</p> <p>12 helps me make it better.</p> <p>13 Q Okay.</p> <p>14 A It's a -- an injection you give yourself</p> <p>15 once a week.</p> <p>16 Q Okay. I'm sorry. Go ahead.</p> <p>17 A So it versus a pill every day, I chose the</p> <p>18 once a week.</p> <p>19 Q Once a week.</p> <p>20 Yeah. I notice on your hands you have a</p> <p>21 number of marks --</p> <p>22 A Yeah. That's from all the medicine. It's</p> <p>23 made my skin horrible. This one (indicating)</p> <p>24 actually likes to keep bleeding. I did something</p> <p>25 this summer that made me have two blood clots. I</p>	<p>1 Q Cyclobenzaprine?</p> <p>2 A Yes.</p> <p>3 Q Voltaren you do not take --</p> <p>4 A No, I didn't do it. I didn't do any of</p> <p>5 that.</p> <p>6 Q And you're not taking Farxiga.</p> <p>7 Benicar?</p> <p>8 A Yes.</p> <p>9 Q Okay. Glipizide?</p> <p>10 A Yes.</p> <p>11 Q And what's that for?</p> <p>12 A Glipizide is diabetes.</p> <p>13 Q And how is it different than --</p> <p>14 A It's a pill that I take once a day with</p> <p>15 Metformin.</p> <p>16 Q Okay. You said Metformin?</p> <p>17 A Metformin.</p> <p>18 Q Okay.</p> <p>19 A M-O -- M-E-N -- M-E-T-F-O-R-M-I-N, I</p> <p>20 believe.</p> <p>21 Q Okay. Metoprolol Tartrate?</p> <p>22 A That's a blood pressure, also. And I did</p> <p>23 take it today.</p> <p>24 Q Okay. Metformin. Is that what you were</p> <p>25 saying before?</p>

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1	A Metformin.	1	that today. Correct?
2	Q Okay. Did you take that today?	2	A (Witness nods head.)
3	A Yes.	3	Q Okay. Any other medications?
4	Q And that's a thinner?	4	A No.
5	A That -- no. That's a diabetes medicine.	5	Q Any medications you were supposed to take
6	Q Okay. Lovastatin?	6	and did not?
7	A Yes. Cholesterol.	7	A No.
8	Q Gabapentin?	8	Q And just to quickly go through,
9	A Yes.	9	Hydromorphone is Le?
10	Q That's a painkiller?	10	A Uh-huh.
11	A Uh-huh. I think so. It's either pain or	11	Q Cyclobenzaprine is Le?
12	nerve.	12	A Yes.
13	Q Okay. And Meloxicam?	13	Q Voltaren?
14	A Yes. That is definitely a nerve, and I	14	A Voltaren is Dr. Guerra.
15	take it once a day.	15	Q Geren?
16	Q Okay. All right. So any other	16	A Guerra.
17	medications you have taken today?	17	Q Oh.
18	A The blood thinner.	18	A It's just my primary care doctor.
19	Q That's the Trulicity?	19	Q G-U-E-R-R-A?
20	A No. No. That Trulicity is diabetes.	20	A Correct.
21	I've just gotten it recently. I'm sorry. I'm going	21	Q Farxiga, you don't take any more.
22	to have to -- I took a picture of the bottle --	22	Benicar?
23	Q Okay.	23	A Yes, I took that today.
24	A -- that way I -- if I go somewhere and	24	Q I mean, is that Dr. Guerra?
25	they need to know what the name of it is --	25	A Dr. Guerra, primary.
Page 15		Page 17	
1	Q That's helpful.	1	Q Glipizide?
2	A -- I have it. So I'll -- it'll take me a	2	A Dr. Guerra.
3	second to get my phone --	3	Q Metoprolol?
4	Q Sure.	4	A Dr. Guerra.
5	A -- back on.	5	Q Metformin?
6	And this pill I started taking the --	6	A Dr. Guerra.
7	maybe the third week of September.	7	Q Lovastatin?
8	Q And is this Dr. Le, as well?	8	A Dr. Guerra.
9	A No, no. This is from Dr. Foteh. He's a	9	Q Gabapentin?
10	vascular surgeon. He's the one that removed the two	10	A Dr. Guerra, I believe. It's either
11	blood clots in my leg. (Tenders).	11	Dr. Guerra or Dr. Le.
12	Q Okay.	12	Q Okay. Meloxicam?
13	A That's why --	13	A Same situation. Dr. Guerra or Dr. Le.
14	Q Clopidogrel?	14	I -- I don't remember offhand which one.
15	A I don't know.	15	Q And then Dr. Foteh is the --
16	Q Clopidogrel, C-L-O-P-I-D-O-G-R-E-L.	16	A Blood thinner.
17	Clopidogrel. Does that sound right?	17	Q Blood thinner. Okay. All right.
18	A I never --	18	What did you do to prepare for today's
19	Q Oh, Foteh. I see. The doctor's name is	19	deposition? Did you research anything? Did you
20	F-O-T-E-H.	20	review any documents? Did you speak to anyone other
21	A Right.	21	than your attorney?
22	Q Clopidogrel. And this is a pain killer?	22	A No. Just my attorney I've spoken with.
23	A No, it's a blood thinner.	23	Q Did you look at any documents?
24	Q Oh, blood thinner. Sorry. Clopidogrel	24	A Yes, we did.
25	and that -- that's from Dr. Foteh. And you took	25	Q What -- what did you look at?

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<p>1 A A document that I had just recently</p> <p>2 answered that was due back to someone -- I think</p> <p>3 you.</p> <p>4 Q I'll show you what's been marked as</p> <p>5 Exhibit A.</p> <p>6 MR. COMERFORD: I'll let you take a</p> <p>7 look at it first, Joel.</p> <p>8 Q Take a look at that. Was that the</p> <p>9 document you reviewed?</p> <p>10 MR. COMERFORD: And Joel, off the</p> <p>11 record --</p> <p>12 (Off the record 9:04 to 9:04)</p> <p>13 A Uh-huh. Yes, it is.</p> <p>14 Q Okay. And did you review -- besides what</p> <p>15 I'm going to call pleadings, these type of formal</p> <p>16 documents, did you review any other kind of</p> <p>17 documents?</p> <p>18 A No.</p> <p>19 Q Did you keep any journals, daily journals</p> <p>20 or any kind of notes about travel or treatment or</p> <p>21 the history of what's happened since the accident?</p> <p>22 A I have some that I did in the beginning,</p> <p>23 but then it -- it just got to a point that I was at</p> <p>24 the doctors a lot and I just quit doing it.</p> <p>25 Q And what was it? How would you keep it?</p>	<p>1 Q Do you know of any photographs of anything</p> <p>2 that happened that day?</p> <p>3 A Not to my knowledge, unless one of the</p> <p>4 passengers sitting at a window took pictures of it.</p> <p>5 Q But nothing you've seen?</p> <p>6 A No.</p> <p>7 Q You didn't take any pictures?</p> <p>8 A No.</p> <p>9 Q How about of your injuries, any</p> <p>10 photographs of your injuries that you -- you've</p> <p>11 looked at?</p> <p>12 A No.</p> <p>13 Q Okay. Phone records, social media, any</p> <p>14 sort of correspondence, E-mails, anything else you</p> <p>15 might have reviewed?</p> <p>16 A I don't remember.</p> <p>17 Q Okay. But not -- for preparation for</p> <p>18 today, do you remember looking through anything like</p> <p>19 that?</p> <p>20 A No, not really.</p> <p>21 Q Okay. Prior lawsuits, have you ever --</p> <p>22 A No.</p> <p>23 Q -- been sued before?</p> <p>24 A No.</p> <p>25 Q Have you ever sued anyone before?</p>
<b>Page 19</b>	<b>Page 21</b>
<p>1 Like a timeline or something else?</p> <p>2 A Well, I had it -- I had doctors'</p> <p>3 appointments I would keep up with and what happened</p> <p>4 to me, how it created the situation to be where I</p> <p>5 was at.</p> <p>6 Q Is this like a -- a journal or some sort</p> <p>7 of like notes that you took?</p> <p>8 A Yeah.</p> <p>9 Q Okay. Do you still have them?</p> <p>10 A Oh, I believe I do.</p> <p>11 Q Was it in a calendar or was it --</p> <p>12 A No. It was in a notebook.</p> <p>13 Q In a notebook.</p> <p>14 If you could find that notebook, I'll ask</p> <p>15 your attorney; I'll make a request for that,</p> <p>16 whatever that notebook was.</p> <p>17 A Okay.</p> <p>18 Q How long did you keep it for?</p> <p>19 A Maybe a couple of months.</p> <p>20 Q This is from the date of the accident</p> <p>21 forward?</p> <p>22 A Yes.</p> <p>23 Q Okay. How about photographs, did you</p> <p>24 review any photographs?</p> <p>25 A No.</p>	<p>1 A No.</p> <p>2 Q Okay. Workers' Compensation, do you have</p> <p>3 any prior Workers' Compensation claims?</p> <p>4 A I do have one.</p> <p>5 Q Okay. And when was that?</p> <p>6 A From TxDOT when I -- I had billing that I</p> <p>7 performed monthly. And I would often need the mail</p> <p>8 trays out of my area, my work space, because they</p> <p>9 took up a lot of space.</p> <p>10 Q Mail, M-A-I-L?</p> <p>11 A Mail trays. You know the big trays, mail,</p> <p>12 M-A-I-L.</p> <p>13 Q Yeah.</p> <p>14 A And I would occasionally take them down to</p> <p>15 the basement to our mailroom. And one time my back</p> <p>16 just started bothering me. So after many months I</p> <p>17 finally went to a doctor. He said there was nothing</p> <p>18 wrong with me. It was probably a strained muscle.</p> <p>19 And that was the end of that.</p> <p>20 Q What doctor did you go to?</p> <p>21 A I think it's called People's Clinic. I</p> <p>22 think. It's on Anderson Lane a few blocks before</p> <p>23 Burnet Road.</p> <p>24 Q A male doctor?</p> <p>25 A Yes.</p>



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1	Q Do you remember the name?	1	Q Back on the record. You have an Email
2	A Oh, no.	2	address maxwhite50@yahoo.com?
3	Q How long ago was this?	3	A Correct.
4	A Probably -- okay.	4	Q Home phone number (512) 573-4909?
5	THE REPORTER: Okay. You have to	5	A Yes.
6	speak up.	6	Q And home address 9606 Gambels,
7	THE WITNESS: I'm thinking to myself.	7	G-A-M-B-E-L-S, Quail Drive, Austin, 78758?
8	A Six -- maybe 10 or 11 years ago.	8	A Yes.
9	Q (By Mr. Comerford) '08, '09?	9	Q Okay. How long have you lived at that
10	A Somewhere around there.	10	address?
11	Q Okay. Besides that one doctor you went	11	A Since 1989.
12	to, anyone else that you saw at that time?	12	Q And who do you live there with now?
13	A No.	13	A Now? My youngest son and his wife and
14	Q Did you miss any time from work?	14	their three children.
15	A No. I took sick time.	15	Q Well, you must have a lot going on for
16	Q Sick time.	16	Christmas.
17	Did you file a claim?	17	A It's hard to hide the stuff for Christmas.
18	A No, not really.	18	Q So let's step back.
19	Q Okay. Besides that occasion, any other	19	How many children do you have?
20	times where you filed Workers' Comp. or missed time	20	A Four.
21	from work?	21	Q And their names and ages?
22	A No.	22	A Chris is 46. Michelle is 44. Jenny is --
23	Q No. Okay.	23	let -- I think she's 41 -- no, that can't be right.
24	How much would those mail trays weigh,	24	She must be -- goodness. I'm not used to giving out
25	the -- the one that you were trying to move or that	25	my children's ages anymore. They're grown.
Page 23		Page 25	
1	you did move?	1	Q And that -- and rough estimate is fine.
2	A Probably about 15 to 17 pounds maybe.	2	A Okay. We'll go with her with 41. That's
3	Q And dimensions of it?	3	not right, though. And then Daniel's 37.
4	A (Indicating).	4	Q And then how many grandchildren?
5	Q 3 feet by --	5	A Seven.
6	A And then size -- just a little bit more	6	Q So Daniel has three?
7	room than a legal-sized envelope --	7	A Chris has two, and Michelle has two.
8	Q Okay.	8	Q Got you.
9	A -- so they weren't real wide across. I'm	9	And Chris was the son who lived in
10	sure you've seen them. The Post Office has a ton of	10	Colorado?
11	them --	11	A Right.
12	Q Yeah.	12	Q Okay. And now he lives in Idaho?
13	A -- they're white with the opening for a	13	A Right.
14	handle.	14	Q Okay. From 1989 to present, who have you
15	Q Okay. So it's -- it's probably about	15	lived at that address with?
16	2 feet tall --	16	A Daniel, his family. Jenny was there for a
17	A Oh, no.	17	short time and Michelle were -- was there for a
18	Q -- one of those or the low ones?	18	short time.
19	A The low ones.	19	Q And your marital status?
20	Q Okay. So it's about 3 feet by 1 foot?	20	A Widow.
21	A Something, maybe.	21	Q When did your husband die?
22	Q Okay. All right. Date of birth?	22	A 1986.
23	A 5-20-53.	23	Q And you did not remarry?
24	MR. COMERFORD: Off the record.	24	A No.
25	(Off the record 9:10 to 9:10)	25	Q In the records I saw a person named

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1 Roger -- is it Stacy?	1 Q And he was a primary care?
2 A Uh-huh.	2 A He was my primary for years.
3 Q Okay. And who is Roger Stacy?	3 Q And was he part of a group or was he --
4 A Roger is a friend of mine. We were going	4 A No. He had his own practice.
5 to get married, but all this happened with my back,	5 Q Okay. And does he have to give you -- did
6 and I just didn't feel it would be fair to put this	6 he have to give you some sort of record for you to
7 burden on him of extra care and whatever I might	7 go to the --
8 need.	8 A To the next doctor?
9 Q Are you still in a relationship with him?	9 Q Well, no. I'm sorry.
10 A We're in a friendly relationship now.	10 How do you get the plate?
11 Q Okay. Has he ever lived at that address	11 A From Dr. Hough because of my ankles.
12 with you?	12 Q And then you take something from him and
13 A No.	13 take it to the DOT or --
14 Q Okay. All right. How did you get here	14 A Right. You get a -- a paper that you have
15 today?	15 to fill out, and you take it to DOT and they'll --
16 A I drove.	16 they'll give you their two hangers or a plate and a
17 Q And do you have a handicap placard?	17 hanger.
18 A Plate.	18 Q Okay. And then do you have to renew that
19 Q Plate.	19 every so often?
20 How long have you had that handicap plate?	20 A No, because you have -- your doctor says
21 A I don't even remember.	21 it's a permanent disability.
22 Q Was it before this incident?	22 Q And when you got that prior to retiring,
23 A Yes.	23 at that point had you brought up this condition with
24 Q Could you estimate?	24 your employer?
25 Well, did you have it while you were still	25 A My ankles?
<b>Page 27</b>	<b>Page 29</b>
1 working?	1 Q Yeah.
2 A Yes.	2 A Yes. They were aware that I had a
3 Q Okay. So sometime -- you retired in 2012?	3 handicap plate and I had a problem with my ankles;
4 A Correct.	4 more my right than my left, but my right really
5 Q So sometime prior to 2012 you had the	5 pretty bad.
6 handicap plate?	6 Q Did they have to make any accommodation
7 A Right. I had it maybe 2008 -- '08,	7 for your work?
8 somewhere around there.	8 A Just my chair. That's all.
9 Q About ten years --	9 Q What is reflex sympathetic dystrophy?
10 A About --	10 A It's something to do with the nerves in
11 Q -- you've had it?	11 the feet.
12 A I've had it now about ten years.	12 Q Okay. And what would it cause -- how did
13 Q Okay. Why did you get it?	13 you see it manifest? How did you see it physically
14 A Because I had fallen and hurt my ankles,	14 in your life?
15 and I had been diagnosed with a condition called	15 A Oh, I -- when I fell down. Both of my
16 reflux sympathetic dystrophy.	16 ankles swole [sic] up extremely bad. My doctor said
17 Q And who diagnosed you with that?	17 that I would have been better off if I'd have broken
18 A My prior primary care doctor, Hough.	18 them, because it took a long time for them to heal.
19 Q H-O-F-F?	19 Q Now, how did you fall? What happened?
20 A H-O-U-G-H.	20 A I was walking through a parking lot and
21 Q H-U --	21 you know how cars sometime drop oil on the pavement?
22 A H-O-U-G-H.	22 I'm sure everybody's seen it. I was talking to a
23 Q Okay. First name?	23 friend of mine, and we walked across that and I
24 A Travers. He is deceased now. He retired	24 slipped and fell.
25 and has retired for a while and then he passed away.	25 Q And what did you land on?



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1 A The parking lot pavement.	1 Q -- can you describe it for me?
2 Q Sorry.	2 A It's a four-bedroom brick home. It's on a
3 I meant what parts of your body.	3 corner lot; lots of trees.
4 A Oh.	4 Q Levels?
5 Q Like -- yeah. No. That was confusing.	5 A One level.
6 A I don't remember. I know my ankles -- one	6 Q So is it a ranch?
7 turned one way and one turned the other way.	7 A I'm not sure what you call my house.
8 Q Did you come down on your knees, your	8 It -- it's in Quail Creek --
9 hands, something else?	9 Q Quail Creek?
10 A I must have landed on my bottom.	10 A Quail like the bird.
11 Q Okay. Besides Dr. Hough, anyone else you	11 Q Quail.
12 treated with over that fall?	12 A And some of them are ranch and some of
13 A No, just him.	13 them -- like, mine has a lot of openings that curve.
14 Q Did you go to the ER that day or --	14 Kind of hacienda style maybe --
15 A Yes, I did.	15 Q Okay.
16 Q Okay. Which ER?	16 A -- but not really.
17 A At that time it was Brackenridge Hospital	17 Q What I was driving at is everything's on
18 ER.	18 one level?
19 Q Any back pain from that fall?	19 A Yes, it is.
20 A No.	20 Q Okay. Any modifications you've had to
21 Q So the reflux sympathetic dystrophy was	21 make to your home because of the accident?
22 something that happened because of the fall. It	22 A No.
23 didn't cause the fall. Is that right?	23 Q Okay. There was another address. Where
24 A Right. It happened because of the fall.	24 is it here? 19601 Pecos Drive, Lago Vista, Texas?
25 Q Got you.	25 A My youngest daughter, Jenny, lived there.
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1 Okay. And from that fall, you then ended	1 Q Used to live there?
2 up getting a handicapped plate. Is that right?	2 A Right. She doesn't live there any longer.
3 A Correct.	3 Q Did you ever live there?
4 Q Okay. Okay. What kind of car do you	4 THE REPORTER: I can't under --
5 have?	5 THE WITNESS: No.
6 A A 2012 Honda Accord.	6 THE REPORTER: It's the gum. I can't
7 Q And have you had that since 2012?	7 understand you.
8 A Uh-huh. Bought it new.	8 THE WITNESS: I'm so sorry. I get
9 Q Have you had to make any accommodations to	9 really bad cottonmouth.
10 the car since the incident we're here to talk about	10 THE REPORTER: No, it's okay. You
11 today?	11 can keep it. Just -- just repeat what you said for
12 A No. It was already perfect for me.	12 me. Your youngest daughter Jenny --
13 Q Yeah. Okay. Do you drive yourself to	13 THE WITNESS: Lives on Pecos Drive.
14 your own appointments?	14 Q (By Mr. Comerford) And I thought it was
15 A Most of the time, yes.	15 Junie?
16 Q Does anyone go with you to your	16 A Jenny.
17 appointments?	17 Q Jenny. Okay. J-E-N-N-Y?
18 A Sometimes my son has gone with me -- well,	18 A Right.
19 when I've gone to emergency rooms. Most of the time	19 Q And does she live there anymore?
20 I go by myself or Roger will go with me. If I'm in	20 A No. But I -- I had stayed out there,
21 a lot of pain, Roger will take me.	21 because they have a walk-in shower --
22 Q And when you say your son you mean Daniel?	22 Q Okay.
23 A Yes.	23 A -- and I was out there with my back
24 Q All right. The house at Gambels Quail --	24 surgery and my neck surgery.
25 A Huh-uh.	25 Q Any other times that you lived at that

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1	address?	1	A And then I receive a Social Security check
2	A Well, no, but I was there like weeks.	2	that is 1255, I think.
3	Q Yeah. I shouldn't say lived. Any time	3	Q Okay. Any other sources of income?
4	where you -- you spent more than a couple nights	4	A No.
5	there other than the back and the neck surgery?	5	Q Any employment or temporary employment
6	A No.	6	that you do?
7	Q Okay. And you have a -- a current	7	A No.
8	driver's license?	8	Q Okay. Your current health insurance?
9	A Yes.	9	A My current health insurance is Medicare
10	Q Any restrictions?	10	first. And my secondary insurance is Blue Cross.
11	A Glasses.	11	Q And is that your own purchase or through
12	Q Glasses.	12	retirement plan or something else?
13	Oh. And this is not personal. It's just	13	A Right. Through my retirement.
14	we ask -- I ask every single person I depose.	14	Q And is it TDOT or is it --
15	Have you ever been convicted of a felony?	15	A TxDOT.
16	A No.	16	Q TxDOT.
17	Q Okay. And your husband's name?	17	A Texas Department of Transportation.
18	A Charles White.	18	Q Okay. Are you right or left-handed?
19	Q And please don't take any offense. All	19	A Right.
20	four children are Mr. White's?	20	Q And we talked about your eyesight. What
21	A Yes.	21	do you wear glasses for?
22	Q Okay. Any other children? Again, don't	22	A For distance. I'm like -- sitting here, I
23	take any offense.	23	can see fine. But if I get in the car, I need to
24	A No.	24	look down the street, I need my glasses on.
25	Q Okay. Is there anyone dependent on you	25	Q Okay. Do you know what your prescription
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1	now?	1	is?
2	A No.	2	A I think it's 30, but I'm not -- 20/30,
3	Q Okay. Your son Daniel lives with you?	3	maybe, or something like that. It's not real bad.
4	A (Witness nods head).	4	Q Yeah.
5	Q Does he pay rent to you? How does that	5	A It's been that for years.
6	work?	6	Q Okay. And who do you see for your eyes?
7	A Yes, he does. He pays the mortgage --	7	A I cannot think of their name. They're on
8	Q Okay.	8	North 183. I can't think of their name right now.
9	A -- and all the utilities.	9	Can I -- if I remember --
10	Q And he's employed?	10	Q Sure.
11	A Oh, yes.	11	A -- I'll just tell you later on.
12	Q Okay. And any of the grandchildren	12	Q Absolutely. It's probably in the records.
13	dependent on you?	13	So beside -- do your -- do your glasses
14	A No.	14	have bifocals?
15	Q Okay. Your current sources of income?	15	A No.
16	A I receive retirement check from the State.	16	Q Okay. So you don't need glasses for
17	Q That's your pension?	17	reading up close?
18	A My -- yes, my retirement check.	18	A No.
19	Q Okay. What is that a month?	19	Q Okay. Education.
20	A 945.	20	Where did you go to high school?
21	Q 945?	21	A Austin High.
22	A I think -- or 975. 945 or 975.	22	Q And what year did you graduate?
23	Q A month?	23	A 1978, I think.
24	A A month.	24	Q And college?
25	Q Okay.	25	A Austin Community College. And I only took

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<p>1 one class. It was too difficult to take care of the</p> <p>2 children and go to college after my husband passed</p> <p>3 away.</p> <p>4 Q All right. When was your first child</p> <p>5 born, 19 --</p> <p>6 A 1971.</p> <p>7 Q Okay. All right. Your first job?</p> <p>8 A Is Chris.</p> <p>9 Q Sorry. Job?</p> <p>10 A Oh. I have no idea. It's been so long</p> <p>11 ago.</p> <p>12 Q Let me do it this way, when did you start</p> <p>13 working at TxDOT?</p> <p>14 A 1998, I believe.</p> <p>15 Q 1998?</p> <p>16 A I think so.</p> <p>17 Q Where did you work before TxDOT?</p> <p>18 A I worked for City of Austin, and I was</p> <p>19 there for nine years, I believe.</p> <p>20 Q That was -- so that would have been --</p> <p>21 A I -- it was in the '80s when I worked for</p> <p>22 the City. My husband also worked for the City.</p> <p>23 Q Okay.</p> <p>24 A And he passed away, so I left the City</p> <p>25 after that. I -- I just don't remember what year I</p>	<p>1 THE REPORTER: She did.</p> <p>2 MR. COMERFORD: You did. Okay.</p> <p>3 A Okay. Wait. From '98 when I started</p> <p>4 until 2007 --</p> <p>5 Q (By Mr. Comerford) Oh, okay.</p> <p>6 A -- I was in Accounting. And then in</p> <p>7 2007 -- August of 2007, I took another position</p> <p>8 within TxDOT and was there -- I was Special Projects</p> <p>9 Coordinator. And I retired from them -- from all of</p> <p>10 TxDOT in 2012.</p> <p>11 Q Okay. So when you were in the Accounting</p> <p>12 Department --</p> <p>13 A Right.</p> <p>14 Q -- what work were you doing?</p> <p>15 A I was doing -- with 2600 at that time</p> <p>16 accounts, and I did -- most of it was computer.</p> <p>17 Customers might call me. I did billing. I did</p> <p>18 research, whatever was necessary to keep an account</p> <p>19 current and correct.</p> <p>20 Q Vendors for the TxDOT?</p> <p>21 A No. They bought -- TxDOT sells a service</p> <p>22 to banks, car insurance, wreckers, car dealerships.</p> <p>23 They can run a license plate and find out who's on</p> <p>24 it and how many -- if there's been more than one</p> <p>25 owner, has it ever been wrecked.</p>
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<p>1 left. '95, '96, maybe.</p> <p>2 Q And you worked there nine years?</p> <p>3 A Yeah.</p> <p>4 Q What did you do for the City?</p> <p>5 A I was an Administrative Assistant to our</p> <p>6 Division Manager.</p> <p>7 Q Division of what?</p> <p>8 A A Taps (phonetic) Department for Water and</p> <p>9 Wastewater.</p> <p>10 Q Office job?</p> <p>11 A Office job.</p> <p>12 Q And then you started at TxDOT in 1998?</p> <p>13 A I think so.</p> <p>14 Q Approximate is fine.</p> <p>15 A I think that was '98.</p> <p>16 Q All right. And then you retired from</p> <p>17 there in 2012?</p> <p>18 A Correct.</p> <p>19 Q Walk me through that 1998 to 2012, what</p> <p>20 you did.</p> <p>21 A From '98 to '97, I was in Finance</p> <p>22 Division.</p> <p>23 Q Sorry. You went backwards on me.</p> <p>24 A Oh.</p> <p>25 Q You said '98 to '97 or did I miss that?</p>	<p>1 Wrecker companies use it because they --</p> <p>2 cars will get tagged, and they need to know who owns</p> <p>3 it to contact that person to inform them their</p> <p>4 vehicle's impounded.</p> <p>5 Q And so it was office work?</p> <p>6 A It was all office work.</p> <p>7 Q And then you became a Special Projects</p> <p>8 Coordinator?</p> <p>9 A Uh-huh.</p> <p>10 Q Would that be inside of tax or something</p> <p>11 else?</p> <p>12 A I'm sorry. What --</p> <p>13 Q Inside of accounting or something else?</p> <p>14 A Well, I did everything. I did HR. I did</p> <p>15 some accounting. I supervised our temporaries. I</p> <p>16 verified the Administrative Assistants would perform</p> <p>17 travel for their Division Managers, and I would</p> <p>18 verify the information was correct so that I could</p> <p>19 send it to the Accounting section within TxDOT for</p> <p>20 payment.</p> <p>21 I did a lot of special projects, putting</p> <p>22 together events. And TxDOT-- that division has</p> <p>23 employees in San Antonio, Dallas, Fort Worth,</p> <p>24 Houston, El Paso -- I'm not sure where else. Up</p> <p>25 north, Tyler. And usually once a year we had a</p>

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<p>1 meeting that required them all to come. And so I</p> <p>2 had to prepare their travel, get their hotel lined</p> <p>3 up; anything that required them -- they needed to be</p> <p>4 here for this particular meeting.</p> <p>5 Q Got you.</p> <p>6 And you did that for the last five years</p> <p>7 of your employment?</p> <p>8 A I think closer to three years.</p> <p>9 Q Three years.</p> <p>10 A '12, '11, '10. So I must have started in</p> <p>11 August of 2010.</p> <p>12 Q '10. Okay.</p> <p>13 A I thought it was '09, though.</p> <p>14 Q Well, do you have any other positions</p> <p>15 besides the two we discussed?</p> <p>16 A No.</p> <p>17 Q And it was all office work?</p> <p>18 A All office work.</p> <p>19 Q Okay. Thank you.</p> <p>20 All right. Okay. Okay. I want to go</p> <p>21 over your medical history prior to the incident.</p> <p>22 A Okay.</p> <p>23 Q Okay. So let's take it ten years back</p> <p>24 from the accident.</p> <p>25 A Okay.</p>	<p>1 Q Right.</p> <p>2 And what year would that have been</p> <p>3 roughly?</p> <p>4 A Maybe 2014, '13.</p> <p>5 Q Okay.</p> <p>6 A Somewhere around there.</p> <p>7 Q Okay. '03, roughly, 19 -- in 2003, you</p> <p>8 fractured your left shoulder?</p> <p>9 A Yes.</p> <p>10 Q How did that happen?</p> <p>11 A We had these round cement flat stones, and</p> <p>12 they were pathway that would go around the house.</p> <p>13 My driveway's on one street, and my front door's on</p> <p>14 another, because I'm on a corner lot. And it was</p> <p>15 just starting to sprinkle. And Daniel and Nicole</p> <p>16 are coming, but not that -- they were in the back of</p> <p>17 the house. And I said, "I'm going to the car. Come</p> <p>18 on." Why I didn't go through the garage, I often</p> <p>19 ask myself this. So I started running because of</p> <p>20 the rain, and about the fifth step in, I slipped on</p> <p>21 the stone. And when I fell, I hit my shoulder on</p> <p>22 the edge of the stone --</p> <p>23 Q Uh-huh.</p> <p>24 A -- and it broke a quarter inch of my</p> <p>25 rotator cuff, I believe, off. And so I had to have</p>
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<p>1 Q So from 2005 forward to 2015.</p> <p>2 Your primary was Dr. Hough?</p> <p>3 A Yes. And then he retired and Dr. Evans</p> <p>4 became my primary.</p> <p>5 Q What year would that have been, do you</p> <p>6 think?</p> <p>7 A Maybe '99, 2000, somewhere around there.</p> <p>8 Q And then Dr. Evans took over pretty much</p> <p>9 immediately?</p> <p>10 A Yes, I -- well, not immediately. I had to</p> <p>11 find a doctor that I wanted within an area. Then</p> <p>12 once I did, I notified the insurance carrier and</p> <p>13 that became my new primary care doctor.</p> <p>14 Q So --</p> <p>15 A And then he retired.</p> <p>16 Q He's the one who moved to Hawaii?</p> <p>17 A Yes. He's gone to Hawaii.</p> <p>18 And then Dr. Guerra was at the EasyCare</p> <p>19 Clinic (phonetic) where he -- he closed up his</p> <p>20 practice and went to EasyCare. And if he was</p> <p>21 booked, I could see one of the other two doctors</p> <p>22 there, and that's how I met Dr. Guerra.</p> <p>23 Well, Dr. Evans retired right as she was</p> <p>24 opening her practice. So I just followed her along.</p> <p>25 She already knew me.</p>	<p>1 a surgical repair where they put an anchor. They</p> <p>2 put three things. An anchor, a bolt and a screw.</p> <p>3 Q Any back pain from that injury?</p> <p>4 A No. I fell forward.</p> <p>5 Q Yeah.</p> <p>6 A My pride. I had to tell everybody what I</p> <p>7 did.</p> <p>8 Q When were you first diagnosed with</p> <p>9 diabetes?</p> <p>10 A July of 1998.</p> <p>11 Q What was happening that made you go in for</p> <p>12 treatment or did it just come up on --</p> <p>13 A It came up --</p> <p>14 Q -- a regular exam?</p> <p>15 A -- on a regular exam.</p> <p>16 Q And who was the exam with?</p> <p>17 A Dr. Hough.</p> <p>18 Q Did he send you to a specialist?</p> <p>19 A No.</p> <p>20 Q And what did they do for your diabetes</p> <p>21 initially?</p> <p>22 A Initially, gave me Glucoside, one tablet</p> <p>23 once a day.</p> <p>24 Q Any instructions or --</p> <p>25 A Check my sugar levels.</p>

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1 Q How?	1 A Probably 2013 or '14 -- two years after I
2 A With a glucose monitor. It has a little	2 retired. So 2014.
3 piece that you stick yourself and then touch your	3 Q And was there something that happened?
4 blood to the strip, and then it rates it.	4 Was there an incident or did it just come out on its
5 Q And how often do you have to do that?	5 own?
6 A Well, I should probably do it every day,	6 A It pretty much came on on its own.
7 but I don't. I'm not a very good patient. I get	7 Nothing happened.
8 tired of my fingertips being sore.	8 Q And this is before the accident. Correct?
9 Q What else did they tell you besides	9 A Yes.
10 checking your glucose?	10 Q Okay. And -- and what did you do? Where
11 A Monitor my diet.	11 did you feel the pain?
12 Q Anything else?	12 A My back.
13 A No.	13 Q Where in your back?
14 Q Going through the records, I wanted to go	14 A Lower part of my back.
15 through levels for your weight over the years and	15 Q Did you go and see anyone?
16 just see if this sounds right to you.	16 A Yes, I did. Dr. Guerra.
17 Let's start with today. Do you have a	17 Q And what did she do?
18 rough idea of what you weigh -- weigh -- what you	18 A She gave me some -- I want to say she gave
19 weigh today?	19 me the Tramadol and the Meloxicam and the Gabapentin
20 A 192.	20 and that -- that cream, Voltaren cream.
21 Q Okay. And the highest you ever weighed?	21 Q And what did she think was the problem?
22 A I want to say 213.	22 A You know, getting older. You know, she
23 Q And when would that have been?	23 just thought initially that it was something maybe I
24 A Goodness. Probably around the time I	24 had done. So she put me on those. And then after a
25 became diabetic.	25 few weeks I let her know that it was still bothering
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1 Q So the highest you ever weighed you think	1 me really bad. And I think that's when she sent me
2 is about 213 and you --	2 for my MRI.
3 A I know.	3 Q And what did the MRI show?
4 Q Is that right?	4 A That I had a little bit of lower -- in the
5 A That is right.	5 lower spine, arthritis. And I don't remember
6 Q Okay. And then the least you ever	6 anything about discs being messed up or anything.
7 weighed?	7 I -- I think it was just -- it showed up that I had
8 A Oh, gosh.	8 a little bit of arthritis.
9 Q And I don't -- as an adult.	9 Q And nothing about your discs?
10 A Yeah. How far back do I have to go?	10 A No, not that I recall.
11 Q Not -- let's say the last ten years.	11 Q Okay. So after you got that MRI, what
12 A Oh, okay. Probably around 195.	12 happened next?
13 Q Okay. And if your weight was recorded in	13 A Then I stayed on that medication, and
14 the medical records, you would say that's more	14 things improved. My oldest granddaughter graduated
15 accurate than your memory?	15 in Idaho, I'd say about 2015 or '16 -- 2016. I
16 A Oh, definitely.	16 think it was 2016. But May of 2016. And I went to
17 Q Okay.	17 her graduation. I flew. And my back was bothering
18 A Because during the time from June to	18 me at that time, not to the point that I was going
19 October, when I had the sur -- first surgery on my	19 to miss her graduation.
20 back, I dropped down to 183. I was -- I wouldn't --	20 And that's when we planned the trip to
21 I didn't eat a lot and I was in -- I was just in too	21 Estes Park.
22 much pain to care about food.	22 Q At that graduation you planned a trip to
23 Q Okay. Now, I want to talk about your	23 Estes Park?
24 back. When was the first time you remember having	24 A Correct.
25 significant -- significant back pain?	25 Q What is Estes Park?



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<p>1 A Estes Park is near the Rocky Mountain 2 National Park. Estes Park is a city. It's Estes 3 Park, Colorado. And we rented a -- we reserved 4 cabins there. We had one and Chris had one. Daniel 5 and Nicole weren't able to come to Samantha's 6 graduation, so we planned the trip around her 18th 7 birthday. 8 Q And that was close in time to her 9 graduation? 10 A June the 9th. 11 MR. COMERFORD: Off the record. 12 (Off the record 9:44 to 9:44) 13 Q (By Mr. Comerford) So her graduation was 14 how close in time to this trip? 15 A Two to three weeks. 16 Q Okay. How do you fly to Idaho from 17 Austin? How do you do that? 18 A You get on a plane in Austin, you go to 19 Salt Lake. And you transfer to another plane, and 20 you -- it flies you into Pocatello. 21 Q So is it Salt Lake to Pocatello? 22 A Right. 23 Q And then how -- 24 A And Delta's the only carrier that I know 25 that normally goes to Pocatello.</p>	<p>1 Samantha is now her senior year in high school 2 [sic] -- I mean, college. 3 Q Got you. Okay. 4 So you go out to Pocatello a few weeks 5 before the incident? 6 A Right. For her birth -- graduation. 7 Q Graduation. 8 A And that's when we planned the trip to 9 Estes Park. 10 Q But this is where I'm confused, because if 11 Chris is living in Fort Collins to pick you up when 12 you land -- 13 A Why did I go to Pocatello? Because his 14 wife, who's also an engineer, stayed there. They 15 didn't want to take their children out of the school 16 they were in. And Chris only moved because his 17 little girl was going to college. And being an 18 engineer, it's easy for him to find new employment 19 wherever. 20 Q So they kept their residence in Idaho? 21 A Oh, yes. His wife lived there still. 22 Q That's what I wasn't getting. 23 Okay. So when you land in Pocatello, how 24 long is the drive to where they live? 25 A Maybe 20 minutes.</p>
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<p>1 But for that particular trip when I flew 2 Frontier, I was only going to Denver, because Chris 3 lived in Fort Collins. And it's like an hour from 4 the airport. So he picked me up that day I flew. 5 And I think we stayed at the house an extra day 6 because of my back had gotten worse. And -- 7 Q So let's back up a second. 8 How long is the -- when you get to 9 Pocatello -- 10 A Uh-huh. 11 Q -- where does your -- let me back up 12 again. 13 Who lives in Pocatello? 14 A My son Chris. 15 Q Okay. Okay. So I'm confused. 16 A Okay. 17 Q So -- 18 A Maybe I can help you. I -- at the time I 19 flew on Frontier, Chris was living in Fort Collins. 20 He moved there when Samantha, my oldest 21 granddaughter, started college at University of 22 Colorado. 23 Then last year -- or this year -- I think 24 this March, he went back to work for the company he 25 used to work for prior to Fort Collins. And</p>	<p>1 Q Okay. And you were experiencing back pain 2 on that trip for the graduation? 3 A Yes. But -- but not as bad as it got. It 4 got worse on the trip to Denver. 5 Q Okay. Okay. I just want to go through -- 6 we can get through some of these, and then we can 7 take a break. 8 All right. I'm going to show you what's 9 been marked as Exhibit D. Okay. Why don't you take 10 a look at this. You can look at as much of it as 11 you want. I'm going to direct you to certain 12 things -- 13 A Okay. 14 Q -- but you don't have to memorize it. 15 A Oh, good. 16 Q I'll show you where I'm looking. 17 MR. HEPWORTH: Can we get a Bates 18 number? 19 MR. COMERFORD: Oh, sure. Yeah. 20 Sorry. 148. 21 MR. HEPWORTH: Thank you. 22 Q (By Mr. Comerford) And maybe I can help 23 you out. What I want you to look at is this is a 24 document from William Evans dated April 17th, 2009. 25 And it says here, "Chief complaint: Reports pain in</p>



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<p>1 lower back. Present illness: Reports lifting paper</p> <p>2 seven days ago with now right paraspinous spasm."</p> <p>3 And it goes on, and it lists as vital signs</p> <p>4 62 inches, 240 for weight.</p> <p>5 A My weight? That has to be wrong.</p> <p>6 Q Well --</p> <p>7 A I've never been that heavy. That --</p> <p>8 that's an error, I assure you. I've never been that</p> <p>9 heavy.</p> <p>10 Q Okay. You can wait for my question --</p> <p>11 A Okay.</p> <p>12 Q -- I'm just reading it.</p> <p>13 A Okay.</p> <p>14 Q So the question I had on that, is that the</p> <p>15 incident you're talking about with the mail tray?</p> <p>16 A No, I don't believe so.</p> <p>17 Q 2009?</p> <p>18 A In 2009, I was -- in 2009, that would have</p> <p>19 been when they asked me to go to the doctor that I</p> <p>20 can't remember his name on Anderson Lane. And he</p> <p>21 did X-rays and said, "You have spinal arthritis."</p> <p>22 Q Do you recall what this was about,</p> <p>23 what's -- what's being described here?</p> <p>24 A And this was 2009? I think that's when I</p> <p>25 had to go to that doctor or they were going to close</p>	<p>1 though.</p> <p>2 Q Right.</p> <p>3 Okay. So this is a separate incident when</p> <p>4 you were lifting paper?</p> <p>5 A Right. Because my billing required 2600</p> <p>6 sheets of every month to perform billing. So I</p> <p>7 always ordered my paper in for three billing cycles</p> <p>8 at a time, as well as the envelopes, and there were</p> <p>9 two of those, inner and out.</p> <p>10 Q And how many boxes of paper is that?</p> <p>11 A I want to say three or four.</p> <p>12 Q So three or four every month?</p> <p>13 A No. I'd order three or four months at a</p> <p>14 time.</p> <p>15 Q Oh. So it's nine or 12 every --</p> <p>16 A Right. Every other -- every third or</p> <p>17 fourth month.</p> <p>18 Q And you'd move it yourself?</p> <p>19 A Well, yeah, because some of the boxes</p> <p>20 sometime were only like this big and this wide</p> <p>21 (indicating). So they -- they didn't -- I don't</p> <p>22 know. Maybe two packs -- four -- probably four</p> <p>23 packs of paper would fit in there. And each pack</p> <p>24 was about that tall -- about 4 inches or so.</p> <p>25 Q Okay. And you dispute vital signs there?</p>
<b>Page 55</b>	<b>Page 57</b>
<p>1 the case. So I went to my doctor, and then after</p> <p>2 that is when I had to go to the doctor H.R. wanted</p> <p>3 me to go see.</p> <p>4 Q So this is not the mail tray incident?</p> <p>5 A No, I don't think so. I think this is the</p> <p>6 boxes of paper.</p> <p>7 Q Okay. And would this have been with the</p> <p>8 City or with --</p> <p>9 A 2009? No, that's the State -- TxDOT</p> <p>10 Accounting.</p> <p>11 Q That's TxDOT.</p> <p>12 Okay. And you said close the case. What</p> <p>13 do you mean?</p> <p>14 A Well, when that happened, my Division</p> <p>15 Manager was right nearby, and she wanted me to go</p> <p>16 see the doctor. I said, "Well, I'll go to my own</p> <p>17 doctor." And then I went to my own doctor. And</p> <p>18 then I guess she told H.R. or whoever that I kind of</p> <p>19 had hurt myself. And so that's when they called and</p> <p>20 said they'd like me to go see that doctor on</p> <p>21 Anderson Lane. It was some kind of like an</p> <p>22 emergency clinic or -- I don't know, something</p> <p>23 weird --</p> <p>24 Q Okay.</p> <p>25 A -- not somewhere I went to go back to,</p>	<p>1 A Well, I know I've never in my life weighed</p> <p>2 that much.</p> <p>3 Q Okay. Okay. I'm going to show you</p> <p>4 Exhibit F. It's 20 --</p> <p>5 MR. COMERFORD: Is that 26, Joel?</p> <p>6 MR. LEVINE: 26, yeah.</p> <p>7 MR. COMERFORD: 26 Bates stamp.</p> <p>8 Q (By Mr. Comerford) Take a look at that.</p> <p>9 A Austin Diagnostic.</p> <p>10 THE REPORTER: I'm sorry. I can't</p> <p>11 understand. You have to say --</p> <p>12 THE WITNESS: I'm sorry. I was just</p> <p>13 reading Austin Diagnostic, who it was from.</p> <p>14 THE REPORTER: Whatever you say I</p> <p>15 have to write, so...</p> <p>16 THE WITNESS: Okay.</p> <p>17 MS. SALINAS: And what Bates number</p> <p>18 did you say it was? I'm sorry.</p> <p>19 MR. COMERFORD: 26.</p> <p>20 MS. SALINAS: Thank you.</p> <p>21 A And this was 2010.</p> <p>22 Q (By Mr. Comerford) And while you're</p> <p>23 looking at that I'll show you Exhibit G, because</p> <p>24 they kind of go together.</p> <p>25 MR. COMERFORD: 492.</p>

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<b>Page 58</b>	<b>Page 60</b>
1 Q I guess they go side by side.	1 you have degenerative disc disease?
2 A Okay. And this was July of 2010. I could	2 A Honestly, no, I do not. I -- I don't
3 have sworn all that started after I retired. Boy,	3 remember them saying that.
4 these things are hard to read, aren't they, the --	4 Q Okay. All right. Next. I'm going to
5 THE REPORTER: Remember, I have to	5 show you Deposition Exhibit H, Bates stamp 217.
6 hear you.	6 And, again, you can look through the whole
7 A I was trying to find the date. I said,	7 thing if you want. I'll tell you what I'm driving
8 "When was this one?"	8 at is just the section that says, "Reason For
9 MS. SALINAS: I would recommend you	9 Visit."
10 try to just do it in your head, because you either	10 But take a look at it. It's a three-page
11 have to speak really loud or not at all.	11 document.
12 THE WITNESS: Or not at all.	12 Oh, so sorry. I should say it's Bates
13 MS. SALINAS: Right. It's hard, I	13 stamp 217, 219 and 222.
14 know.	14 A I think this might be the one with the --
15 MR. COMERFORD: Yeah. Thank you.	15 the mail trays.
16 That's helpful.	16 Q Well, wait for a question.
17 THE WITNESS: Right there.	17 So here's my question. "Reason For
18 MR. COMERFORD: Thank you. Yeah,	18 Visit." Again, this is Deposition Exhibit H, Bates
19 there's the date for you.	19 stamp 217. It's dated July 7th, 2010. "Reason for
20 A Is that the same?	20 visit: Injured back in April of 2009. Chronic
21 Q (By Mr. Comerford) 7-7.	21 discomfort since then. Now severe pain in the
22 A And that one's 7-7 and this one is 7-7,	22 morning on lower right side of back radiating down
23 too.	23 right leg for two days."
24 Q Yeah. And I'll tell you what I'm driving	24 Okay. My question is does that refresh
25 at.	25 your recollection of when you first started to feel
<b>Page 59</b>	<b>Page 61</b>
1 A They must have done an MRI then.	1 back pain?
2 Q That's right.	2 A Not really, no.
3 So I'll -- I'll get to the question.	3 Q Okay. In there it mentions injured back
4 This is a document from July 7th, 2010	4 in April of 2009. Do you know what that's referring
5 from Austin Diagnostic Clinic. It's been marked	5 to?
6 Exhibit 5 [sic]. It's Bates stamp 26. It says,	6 A I would have been in Finance still in the
7 "Clinical history: Acute chronic low back pain.	7 Accounting section. That's probably when I hurt my
8 Evaluated for fracture and dislocation." At the	8 back with the mail trays.
9 bottom it says for the findings, "Severe	9 Q Okay. And then that says -- that's dated
10 degenerative facet disease on the right at L4-5 and	10 a full year and three months after that incident,
11 L5 S1 levels and on the left at L5 S1 levels." And	11 and it says, "Chronic discomfort since then."
12 for an impression it says, "Mild degenerative disc	12 Do you remember that chronic discomfort
13 disease at L2-3, degenerative facet disease at the	13 with your back for that period of time --
14 lower lumbar spine or on the right."	14 A Before the --
15 And Exhibit G, Bates 492, is from the	15 Q -- 15 months -- from '09 -- from April of
16 Austin Radiological Association, and it is basically	16 '09 until the date of this record, July of 2010?
17 a carbon copy. It's just from ARA and not ADC.	17 Is that an accurate statement?
18 A Right.	18 A Yes, I would say so.
19 Q So does that refresh your memory of when	19 Q Would you have given that statement? Is
20 the back pain began?	20 that where that information would have come from?
21 A Maybe so. Maybe that was during the time.	21 A I was already -- this is -- I'm getting
22 I -- I guess I've had it so long I just don't	22 all confused on the dates. I wish I had written
23 remember any longer.	23 them down.
24 Q Uh-huh.	24 Q Take your time.
25 Do you recall any physician saying to you	25 A I would say yes, that would be.

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<p>1 Q Okay. And I want to show you Exhibit K,</p> <p>2 Bates stamp 224. And this is a one-page document</p> <p>3 dated July 9th of 2010. And it's about a phone call</p> <p>4 with doctor -- I believe Dr. Guerra; at one point it</p> <p>5 was Dr. Le. Are they married? I'm not sure.</p> <p>6 A They were.</p> <p>7 Q They were. Okay.</p> <p>8 So now she's Dr. Guerra again.</p> <p>9 So here, the call details, that's what I</p> <p>10 want you to read, not out loud, but to yourself and</p> <p>11 then I have a question about that.</p> <p>12 A Okay.</p> <p>13 Q So in here it says on the phone notes, "I</p> <p>14 discussed with patient on the phone her X-ray</p> <p>15 findings. I suspect her degenerative changes are</p> <p>16 likely chronic... over the past several years and</p> <p>17 not likely from an acute injury. She suspected</p> <p>18 this, as well." And then it goes on.</p> <p>19 So do you remember that conversation?</p> <p>20 A Not really, no.</p> <p>21 Q No. Okay.</p> <p>22 Do you recall anybody ever telling you</p> <p>23 that you had a -- a degenerative change that is</p> <p>24 chronic and not caused from an acute injury?</p> <p>25 A No.</p>	<p>1 A No, not at all.</p> <p>2 Q Okay.</p> <p>3 A But it references my -- Dr. Evans, as well</p> <p>4 as Dr. Guerra. So that must be during the time</p> <p>5 Dr. Evans was in EasyCare Clinic. He could have</p> <p>6 been the X-ray technician or whoever that performs</p> <p>7 the tests.</p> <p>8 Q Sure.</p> <p>9 Do you ever remember talking about a</p> <p>10 stabilization treatment program?</p> <p>11 A No.</p> <p>12 Q Do you know what that is?</p> <p>13 A I have no clue.</p> <p>14 Q Okay. I want to show you Exhibit O, which</p> <p>15 is Bates stamp 33.</p> <p>16 A We're going to have to take a break soon.</p> <p>17 Q Yeah. Whenever you want. Once we get</p> <p>18 through all these things a little -- a little long,</p> <p>19 but let's do one more.</p> <p>20 A Okay.</p> <p>21 Q Okay. Here's Exhibit O. And this is a</p> <p>22 document from February 9th of 2011 from a</p> <p>23 Dr. Kimberly Schneider, North Austin Medical Center.</p> <p>24 And it says -- it's actually for abdominal pain, but</p> <p>25 you'll see at the bottom it says, "There are changes</p>
<b>Page 63</b>	<b>Page 65</b>
<p>1 Q No? Okay.</p> <p>2 All right. This might be the treater that</p> <p>3 you were trying to remember before. This is</p> <p>4 Exhibit M, Bates stamp 232. And it's a one-page</p> <p>5 document dated July -- July 13th, 2010. And it says</p> <p>6 under, "Assessment No. 5 -- No. 4 and 5," "Early</p> <p>7 degenerative change --" sorry. Sorry. Let me start</p> <p>8 over.</p> <p>9 It says, "Assessment: One, low back pain.</p> <p>10 Two, lumbar mechanical dysfunction. Three, probable</p> <p>11 facet arthritis. Four, early degenerative changes."</p> <p>12 And then it says, "I do think she has changes in her</p> <p>13 low back consistent with lumbar facet arthritis and</p> <p>14 early degeneration. A good stabilization treatment</p> <p>15 program should allow her to have improved function</p> <p>16 in her low back with decreased symptoms." And then</p> <p>17 it goes on.</p> <p>18 So I just wanted you to read that. That's</p> <p>19 from a Dr. Joe Volpe.</p> <p>20 A Oh, wow, I don't know him. Who was he</p> <p>21 with?</p> <p>22 Q Well, take a look at it. And then I'll</p> <p>23 have a question for you.</p> <p>24 A Okay.</p> <p>25 Q Okay. Do you remember seeing a Dr. Volpe?</p>	<p>1 of degenerative disc disease in the lumbar spine."</p> <p>2 A Okay.</p> <p>3 Q Do you see that?</p> <p>4 A Uh-huh.</p> <p>5 Q Do you recall going to the North Austin</p> <p>6 spine treater in 2011?</p> <p>7 A This sounds more like an incident when</p> <p>8 they -- Dr. Guerra thought I had kidney stones. And</p> <p>9 I must have gone for a test, because I don't, again,</p> <p>10 recognize -- North Austin Medical Center.</p> <p>11 (Reading to herself).</p> <p>12 THE REPORTER: Louder or not at all.</p> <p>13 THE WITNESS: Okay. I was just --</p> <p>14 I'm sorry. I was reading her name.</p> <p>15 A Has to be maybe they sent me over to the</p> <p>16 ER and they did the test there.</p> <p>17 Q (By Mr. Comerford) Do you recall anyone</p> <p>18 telling you you had degenerative disc disease of the</p> <p>19 lumbar spine?</p> <p>20 A Not really. But we know I've had back</p> <p>21 issues for years. I don't think that's an issue.</p> <p>22 It -- we already know that.</p> <p>23 Q Okay.</p> <p>24 A Okay.</p> <p>25 Q All right. So you want to take a break?</p>

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1 A Yes, please.	1 line that runs down the entire length from the neck
2 Q You got it.	2 to the bottom of the spine?
3 THE VIDEOGRAPHER: The time is 10:08.	3 A Yes.
4 This is the end of Media 1. We are off the record.	4 Q Did you make that mark?
5 (Off the record 10:08 to 10:19)	5 A I'm not certain if I did or not. I don't
6 THE VIDEOGRAPHER: The time is 10:19.	6 recall making it.
7 This is the beginning of Media 2. We are back on	7 Q Okay. Next to it where it says --
8 the record.	8 A Pinch.
9 Q (By Mr. Comerford) Okay. I want to show	9 Q -- "Pain level," is that --
10 you Deposition Exhibit P. It's got a Bates stamp of	10 A A ten.
11 556. You recognize that document?	11 Q Is that a ten?
12 A Not really. I'm trying to see who is this	12 A Yes.
13 from. This must be something from H.R.	13 Q Did you write that, a ten?
14 Q Do you see your handwriting on it?	14 A It possibly is my handwriting.
15 A Uh-huh. That is my handwriting. I -- oh,	15 Q Okay.
16 that's Dr. Le. 2010.	16 A I'm not absolutely certain about that
17 11 -- 9-14 -- oh, okay. 2011.	17 part.
18 Q 2011, yeah.	18 Q Okay. Do you remember having pain in your
19 It's a one, two, three, four, five-page	19 back?
20 document.	20 A Oh, yes.
21 A Okay.	21 Q At a level ten?
22 Q It runs Bates stamp 556 to 560. And	22 A Oh, yes.
23 during the break we determined that these Bates	23 Q In 2011?
24 stamp numbers are actually from the providers and	24 A Yes. But it got worse, much worse after
25 not from any other counsel. So when I produce them,	25 those years.
<b>Page 67</b>	<b>Page 69</b>
1 if we haven't already produced them, they are --	1 Q Okay. Next one I want to show you is
2 they are tied to that provider specifically.	2 marked Exhibit S, 60, 61, 62.
3 So this is Bates stamp 556 to 560. It's	3 A Oh.
4 been marked as Exhibit P. It's dated	4 Q I need this.
5 September 14th, 2011. And what I was interested in	5 And this is dated 4-16, 2014. And the
6 was on Page 557 and then 560. So on 557 where it	6 part I want to talk about was under the "History of
7 says, "What is your main complaint?"	7 Present Illness," it says, "Last October, I pulled
8 A All right.	8 my hamstring and I pinched my sciatic nerve --
9 Q "Pain in lower back." Do you see that?	9 A Uh-huh.
10 A Uh-huh.	10 Q -- it is still messed up. I still have a
11 Q Is that your handwriting?	11 knot in my hamstring. Add to that my lower back is
12 A It looks like my handwriting. "Pain in	12 killing me. I live on Aleve and whatever pain
13 lower back."	13 medication I have at home or muscle relaxer. She
14 Q If you go to the last page, there's a	14 reminds me she has arthritis in her lower spine.
15 diagram of a person's body.	15 Now, the new symptom is that the pain radiates into
16 A Okay. This was ADC, so it would have been	16 the right leg down to her foot."
17 Dr. Adriana Le.	17 A Right.
18 Q Okay.	18 Q Just take a look at that and -- and when
19 A It wouldn't have been Dr. Paul Le.	19 you're ready, let me know. You can review any part
20 Q I understand.	20 of it you want.
21 Okay. Thank you.	21 A Okay.
22 Do you see that diagram of a body on	22 THE REPORTER: Out loud or to
23 Page 560 -- Bates stamp 560?	23 yourself.
24 A Yes.	24 THE WITNESS: I'm sorry.
25 Q You'll see that there's like a squiggle	25 A Okay.

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<p>1 Q (By Mr. Comerford) Okay. So this is</p> <p>2 about a year before the flight incident. Correct?</p> <p>3 A Right.</p> <p>4 Q Do you recall stating that to your doctor?</p> <p>5 A No, I don't recall. But I do remember</p> <p>6 having issues with that sciatic nerve and that</p> <p>7 hamstring.</p> <p>8 Q And do you remember -- it says in there,</p> <p>9 "Living on Aleve and pain medication"?</p> <p>10 A Probably so.</p> <p>11 Q Okay. I want to show you Exhibit T. It's</p> <p>12 from ARA Diagnostic, Bates stamp 2021. And the only</p> <p>13 thing I wanted to hit on there is it says something</p> <p>14 about history of an injury from a year ago.</p> <p>15 A Uh-huh.</p> <p>16 Q Do you see that?</p> <p>17 A Yes, I do.</p> <p>18 Q Do you know what it's referring to?</p> <p>19 A Yes, I do.</p> <p>20 Q What is it referring to?</p> <p>21 A I had gone to a wedding in Waco. And when</p> <p>22 we were leaving, the sidewalk was uneven, but I was</p> <p>23 talking, of course. And I stumbled into it and</p> <p>24 almost fell forward. Had one of the gentleman who</p> <p>25 was walking with our -- the group of us not caught</p>	<p>1 She takes three to four Naprosyn tabs most days plus</p> <p>2 prescription Cyclobenzaprine up to two a day and</p> <p>3 topical Voltaren gel. When she uses all three of</p> <p>4 these she gets some brief relief. Overall, feels</p> <p>5 the pain is more intense and now more likely to get</p> <p>6 up to 9/10. She also has a soreness in her right</p> <p>7 upper back near the shoulder blade. Sometimes she</p> <p>8 wakes up feeling this right arm is numb and weak</p> <p>9 even when she lays on her side."</p> <p>10 And you can take a look at any portion of</p> <p>11 that. But that's the part I want to ask you a</p> <p>12 question about. Let me know when you're ready.</p> <p>13 A Okay. Okay.</p> <p>14 Q Okay. Do you remember making those</p> <p>15 statements of that description about a year before</p> <p>16 the accident?</p> <p>17 A No, not really. But like I stated</p> <p>18 earlier, I've had back problems for a long time.</p> <p>19 It's -- certain things have made them better and</p> <p>20 then they come back.</p> <p>21 Q Naprosyn --</p> <p>22 A I --</p> <p>23 Q -- do you know what that is?</p> <p>24 A I don't recall that medicine at all.</p> <p>25 Q Is it -- do you know if it's</p>
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<p>1 me, I would have fallen on my face. And that's when</p> <p>2 I pulled that hamstring. And oh, my god, it was</p> <p>3 horrible. And I drove back home alone from Waco --</p> <p>4 I'm sorry, not Waco; Temple.</p> <p>5 Q And did you feel pain in your back when</p> <p>6 that happened, as well?</p> <p>7 A No. I just felt that pinched nerve, that</p> <p>8 sciatic nerve and then the pain going down the leg.</p> <p>9 Q Okay. And you're indicating your right</p> <p>10 leg?</p> <p>11 A I think it was my left leg. I just --</p> <p>12 well, it does say right. Yeah. It must be. I</p> <p>13 thought it was the left, but it must have been the</p> <p>14 right.</p> <p>15 Q Right, right. Okay. Okay. All right.</p> <p>16 This is Exhibit V. It's from Inspire Family Health,</p> <p>17 Dr. Guerra.</p> <p>18 THE REPORTER: V like Victor?</p> <p>19 MR. COMERFORD: Oh, yeah, V. Sorry.</p> <p>20 54, 55, 56.</p> <p>21 Q (By Mr. Comerford) Okay. So what I</p> <p>22 wanted to point out on here, this is from</p> <p>23 Dr. Guerra. It's July 14th, 2014. And it says</p> <p>24 here, "Chronic right low back or buttocks pain with</p> <p>25 radiation in your right leg that is getting worse.</p>	<p>1 over-the-counter or prescription?</p> <p>2 A No. No, I don't. It sounds almost like</p> <p>3 Naproxen instead of -- show me where it's at so I</p> <p>4 won't have to spend --</p> <p>5 Q I'm just going to -- just so the record</p> <p>6 knows, I'm going to mark it --</p> <p>7 A Okay.</p> <p>8 Q -- just so we know that's not plaintiff</p> <p>9 who marked it, I'm just underlining it.</p> <p>10 A Because I did used to take a lot of</p> <p>11 Naproxen.</p> <p>12 Q What is that?</p> <p>13 A Maybe that's another name for it.</p> <p>14 Naproxen is not as strong as Tramadol, but</p> <p>15 it's way stronger than Aleve or Advil, you know, one</p> <p>16 of those. It -- it will help pain, headaches -- any</p> <p>17 pain, it will help. I would take two and three of</p> <p>18 those things. My blood became so thin that I had to</p> <p>19 have a blood test and covered the poor guy in blood</p> <p>20 when he stuck me.</p> <p>21 So I think that's about the time they put</p> <p>22 me on Tramadol.</p> <p>23 Q And Naproxen, N-A-P-R-O-X-I-N [sic]?</p> <p>24 A N-A-P-R-O-X-I-N, close enough. It's</p> <p>25 Naproxen sodium.</p>



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<p>1 Q Okay.</p> <p>2 A I know you can get it at Sam's. I don't</p> <p>3 know if you can get it at CostCo.</p> <p>4 Q So it's over-the-counter?</p> <p>5 A Yes.</p> <p>6 Q Okay. And you would take that for back</p> <p>7 pain?</p> <p>8 A Yes.</p> <p>9 Q Okay. I'm going to show you Exhibit AA.</p> <p>10 This is a pretty lengthy exhibit. I'm only really</p> <p>11 interested in the first page, but you can look at</p> <p>12 whatever part you want.</p> <p>13 A Okay.</p> <p>14 Q Exhibit AA. Starts with 19.</p> <p>15 MR. LEVINE: They're two --</p> <p>16 MR. COMERFORD: Oh, it's two</p> <p>17 different -- oh, let me see.</p> <p>18 MR. LEVINE: It might be the --</p> <p>19 MR. COMERFORD: Yeah.</p> <p>20 Q (By Mr. Comerford) Okay. So in AA</p> <p>21 there's two -- in Exhibit AA there's two different</p> <p>22 records for the same treatment. Yeah.</p> <p>23 Okay. So Exhibit AA is a medical record</p> <p>24 that starts at Bates stamp 1920 from Austin Pain</p> <p>25 Associates and then continues on, one through 12</p>	<p>1 A It sounds like it, because it sounds like</p> <p>2 my very first session -- time that I had to go to</p> <p>3 day surgery and have the steroid injections.</p> <p>4 Q Okay. And who suggested you get a steroid</p> <p>5 injection?</p> <p>6 A Dr. Le.</p> <p>7 Q Did he give you any warnings or risk</p> <p>8 related to the steroid injections?</p> <p>9 A I'm sure he did. I don't remember what</p> <p>10 they were. I've had a number of them since that</p> <p>11 time.</p> <p>12 Q Okay. And this is about a year before the</p> <p>13 flight incident?</p> <p>14 A It sounds about right.</p> <p>15 Q Okay. How many steroid injections have</p> <p>16 you had total?</p> <p>17 A Oh, Lord. Let's see. Over four years or</p> <p>18 three-and-a-half, I --</p> <p>19 THE REPORTER: Move your hands.</p> <p>20 Thank you.</p> <p>21 A Over three-and-a-half years, probably. I</p> <p>22 probably did three a year, maybe four sometime</p> <p>23 [sic]. It just depends on what is going on with my</p> <p>24 back.</p> <p>25 Q Okay. So three or four a year for four</p>
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<p>1 from Cedar Park Surgery Center. So it's two</p> <p>2 different medical records.</p> <p>3 The reason they're together in one exhibit</p> <p>4 is they're for the same procedure. It's for a</p> <p>5 steroid injection on July 31st of 2014. So I'm</p> <p>6 going to show you really what I'm interested in is</p> <p>7 the first two pages --</p> <p>8 A Okay.</p> <p>9 Q -- but you can look at whatever you want.</p> <p>10 A Okay.</p> <p>11 Q It's an operative report from Dr. Paul Le.</p> <p>12 A Okay. This document seems like it might</p> <p>13 have been my first steroid injections to help with</p> <p>14 the pain.</p> <p>15 Q What pain?</p> <p>16 A My back.</p> <p>17 Q Okay. And when did you first start seeing</p> <p>18 Dr. Paul Le?</p> <p>19 A I honestly don't remember.</p> <p>20 Dr. Guerra referred me over to him. I</p> <p>21 don't -- I don't know how long I've been seeing him.</p> <p>22 Q Were they married at that time?</p> <p>23 A Yes.</p> <p>24 Q Was it -- would it be about this time when</p> <p>25 you --</p>	<p>1 years is what you think?</p> <p>2 A Right.</p> <p>3 Q Okay. All right. I'm going to show you</p> <p>4 what's marked as Exhibit BB. It's from August 6th,</p> <p>5 2014 from Dr. Guerra, Bates stamp 322, 323, 324.</p> <p>6 And in there it says -- again, review</p> <p>7 whatever parts you want. But what I'm looking at is</p> <p>8 the part that says -- and I can mark it for you if</p> <p>9 you want --</p> <p>10 A All right.</p> <p>11 Q -- this section right in here is the level</p> <p>12 of pain. It says that you were in pain nine out of</p> <p>13 ten before the injection.</p> <p>14 A Uh-huh.</p> <p>15 Q Is that what you recall?</p> <p>16 A Yeah, I do. I recall the pain being</p> <p>17 extremely high.</p> <p>18 Q Okay. Okay. I'm going to show you</p> <p>19 Exhibit DD. And, again, this is a mix of two</p> <p>20 different providers from Dr. Paul Le, Bates</p> <p>21 stamp 40, 41, and then from Cedar Park 24, 26 and</p> <p>22 28. It's dated November 8th of 2014. And it's an</p> <p>23 operative report for a steroid injection.</p> <p>24 So, again, take your time --</p> <p>25 A My --</p>



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<p>1 Q -- look at whatever parts you want to.</p> <p>2 Oh, sorry. Yeah. Sorry. I skipped a step.</p> <p>3 A Okay. Which part?</p> <p>4 Q I want to just nail down -- so, then, the</p> <p>5 date on that, again, is November -- November 8th, I</p> <p>6 believe.</p> <p>7 A I don't see it. Those copies are</p> <p>8 terrible.</p> <p>9 Q Yeah. They're very small.</p> <p>10 Yeah. November 8th of 2014.</p> <p>11 A Okay.</p> <p>12 Q Do you recall getting another steroid</p> <p>13 injection?</p> <p>14 A I've had a number of them.</p> <p>15 Q Okay. And that was about eight months</p> <p>16 before the flight incident?</p> <p>17 A That's correct.</p> <p>18 Q And what was the purpose of that steroid</p> <p>19 injection?</p> <p>20 A For the back pain.</p> <p>21 Q Okay. I'm going show you Exhibit EE. And</p> <p>22 this is dated December 19th of 2014. This is for</p> <p>23 Dr. Guerra. And I'm going to mark it -- just so</p> <p>24 it's clear for the record these are my markings.</p> <p>25 This quote, "Her back pain is so bad," quote, "that</p>	<p>1 A Uh-huh.</p> <p>2 Q Sometime 2013?</p> <p>3 A That -- that -- that might be about the</p> <p>4 right time period.</p> <p>5 Q Was there a physician or a treater who</p> <p>6 suggested you start using a cane, or was it your</p> <p>7 decision?</p> <p>8 A No. I think either Dr. Le or Dr. Guerra</p> <p>9 suggested it, because I was unstable.</p> <p>10 Q Uh-huh.</p> <p>11 A And the cane helps me be stable.</p> <p>12 Q Okay. And a walker, when did you first</p> <p>13 start using a walker?</p> <p>14 A Let's see. I had my first surgery</p> <p>15 October 26th, '15. So August of 2015, I would say.</p> <p>16 Maybe even July.</p> <p>17 Q Of 2015?</p> <p>18 A Well, it -- right, it was in July -- no,</p> <p>19 it -- I started using it in June, because when we</p> <p>20 went to Estes Park, my -- Chris, the one from Idaho,</p> <p>21 got a wheelchair. And that's how we would go out to</p> <p>22 eat and whatever. I did very little, though,</p> <p>23 with -- most of the time I just stayed at the cabin.</p> <p>24 Q Okay. So let me step back. I was asking</p> <p>25 about a walker.</p>
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<p>1 I am extremely unstable. I have a walker that I use</p> <p>2 sometimes," end quote. "She takes her Tramadol and</p> <p>3 Cyclobenzaprine regularly. This helps. She uses</p> <p>4 the pain patch for break-through pain." "I can't</p> <p>5 stand in line. It doesn't take much to irritate my</p> <p>6 back."</p> <p>7 Look at -- sorry, I did it again. If you</p> <p>8 can take a look at whatever parts you want, but</p> <p>9 that's the section I want to ask about.</p> <p>10 A (Tenders).</p> <p>11 Q Okay. Do you recall making this</p> <p>12 statement?</p> <p>13 A I probably did. My back during that time</p> <p>14 period was -- it was really bothering me. I was</p> <p>15 falling down, and I had to start using a walker. If</p> <p>16 we had to go somewhere that I might have to stand in</p> <p>17 line, I had to use a wheelchair. So I acquired a</p> <p>18 walker and a wheelchair so that way I had what I</p> <p>19 needed and, of course, the cane.</p> <p>20 Q Okay. So let's get into that.</p> <p>21 When did you first start using a cane?</p> <p>22 A Oh, wow. After retirement in -- not in</p> <p>23 2012. I probably started with that cane five or six</p> <p>24 years ago.</p> <p>25 Q Before the flight?</p>	<p>1 A Right.</p> <p>2 Around that same time period as of this.</p> <p>3 Q When you say, "as of this," do you mean</p> <p>4 the flight incident or this record?</p> <p>5 A The -- I'm sorry. The flight incident.</p> <p>6 Q Okay.</p> <p>7 A Right after that.</p> <p>8 I didn't have a walker or a wheelchair</p> <p>9 during that time, but I did have the cane.</p> <p>10 Q Okay. This record is from December 19th</p> <p>11 of 2014, six months before the accident. And this</p> <p>12 says, "I have a walker that I use sometimes."</p> <p>13 A Uh-huh.</p> <p>14 Q So did you have a walker six months before</p> <p>15 the incident, or is this mistaken?</p> <p>16 A No, it's probably right.</p> <p>17 Q Okay. Okay. How often would you use the</p> <p>18 walker prior to the flight incident?</p> <p>19 A Probably every day at home.</p> <p>20 Q And wheelchair, when did you first start</p> <p>21 using the wheelchair?</p> <p>22 A In June.</p> <p>23 Q Was that before the incident?</p> <p>24 A After the incident.</p> <p>25 Q But on the day of the -- let's take it the</p>

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<p>1 year before the incident.</p> <p>2 A Okay.</p> <p>3 Q How many times did you fly in that year</p> <p>4 before the incident?</p> <p>5 A Maybe once.</p> <p>6 Q Did you use a wheelchair that time?</p> <p>7 A Oh, I always have a request for a</p> <p>8 wheelchair and that I cannot climb more than one or</p> <p>9 two stairs. That's always on every flight, every</p> <p>10 carrier that I go with.</p> <p>11 Q And how long have you been doing that?</p> <p>12 A Probably since 2013 maybe --</p> <p>13 Q Okay.</p> <p>14 A -- '14, somewhere in that time period.</p> <p>15 Q Okay. And that would only be used when</p> <p>16 you're at the airport for a flight. Otherwise, you</p> <p>17 were not using a wheelchair prior to the incident?</p> <p>18 A No.</p> <p>19 Q Okay. Is that correct?</p> <p>20 A That -- that is correct.</p> <p>21 Q All right. All right. I'm going to show</p> <p>22 you Exhibit FF. It's dated April 30th, 2015 from</p> <p>23 Dr. Paul Le in Cedar Park Surgery Center, Bates</p> <p>24 stamp 59 -- 59, 60, 45, 47, 48. Once again, half</p> <p>25 Dr. Le, half Cedar Park Surgery. I said it's dated</p>	<p>1 A Maybe so.</p> <p>2 Q -- would it be the flight to Idaho?</p> <p>3 A More than likely, yes.</p> <p>4 Q Okay. So --</p> <p>5 A Or Denver, because at that time Chris was</p> <p>6 living in Denver. So I might have flown just to</p> <p>7 Denver. I -- I just don't -- I know I went to see</p> <p>8 him more than once while he was in that apartment --</p> <p>9 Q Okay.</p> <p>10 A -- before he bought his house.</p> <p>11 Q So this is about six weeks before the</p> <p>12 incident. Is that right?</p> <p>13 A Right. Because it takes two or three</p> <p>14 weeks some time for these shots to really -- you can</p> <p>15 really see what they're going to -- how they're</p> <p>16 going to help you.</p> <p>17 Q Well, hold on. When was your daughter's</p> <p>18 graduation -- I mean -- sorry --</p> <p>19 A Granddaughter.</p> <p>20 Q -- granddaughter's graduation?</p> <p>21 A It was right -- I think it was the day</p> <p>22 after my birthday, so that would have been May 21st.</p> <p>23 Q Okay. The day that you flew on Frontier,</p> <p>24 the day of the incident --</p> <p>25 A This --</p>
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<p>1 4-30-15. And, again, it's an operative report for a</p> <p>2 steroid injection. Thank you. You're now catching</p> <p>3 on.</p> <p>4 A I do remember this. This is right before</p> <p>5 my granddaughter graduated. That was to get ready</p> <p>6 for the flight.</p> <p>7 Q The injection?</p> <p>8 A Yes.</p> <p>9 Q If you were going to fly anywhere, did you</p> <p>10 let your doctors know beforehand?</p> <p>11 A Well, yeah. I would let them know. I</p> <p>12 would call Dr. Guerra or Dr. Le sometimes, but</p> <p>13 usually Dr. Guerra. And I would talk to Jessica,</p> <p>14 her -- her assistant, the one that wherever she</p> <p>15 goes, Jessica went. And I'd let her know I was</p> <p>16 going to Idaho, because there's been a couple of</p> <p>17 times that I've needed something medication-wise</p> <p>18 while I was in Idaho. And so they've called it in</p> <p>19 to Costco.</p> <p>20 Q Okay. So when I said prior to the flight</p> <p>21 day, the flight of the -- sorry, the date of the</p> <p>22 incident --</p> <p>23 A Right.</p> <p>24 Q -- you had maybe flown one other time in</p> <p>25 the year prior, or would it be --</p>	<p>1 Q -- that was for Estes Park. Correct?</p> <p>2 A That is correct.</p> <p>3 Q Different than this graduation in Idaho?</p> <p>4 A Exactly.</p> <p>5 Q Okay.</p> <p>6 A Yeah.</p> <p>7 Q Okay. I'm going to show you Exhibit HH,</p> <p>8 Bates stamp 509, 510, Dr. Guerra. It's dated</p> <p>9 April 22nd of 2015.</p> <p>10 I'm going to, again, mark in blue pen the</p> <p>11 section, "History of Present Illness."</p> <p>12 "Her granddaughter graduates May 21." "I</p> <p>13 am in the worst pain. I don't sleep. This started</p> <p>14 up Thursday night."</p> <p>15 "She is trying to schedule a back</p> <p>16 injection with her pain physician."</p> <p>17 I skipped some lines, but of course you</p> <p>18 can read whatever -- the part you want.</p> <p>19 "The worst pain is stabbing on the left</p> <p>20 side. Earlier this year she developed a burning</p> <p>21 sensation in the upper back. She is taking her</p> <p>22 Tramadol, Cyclobenzaprine - this is not helping.</p> <p>23 Also tried Naproxen and Ibuprofen."</p> <p>24 I'm just going to have you take a look --</p> <p>25 oh, yeah. Never going to get that right.</p>

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<p>1 MR. COMERFORD: Off the record.</p> <p>2 (Off the record 10:48 to 10:48)</p> <p>3 A I remember this.</p> <p>4 Q Okay. Do you recall that visit?</p> <p>5 A Yes. I was in a lot of pain.</p> <p>6 Q Okay. What was the rating of the pain at</p> <p>7 that time before you went to your granddaughter's</p> <p>8 graduation?</p> <p>9 A It was up there. If they did me a one to</p> <p>10 ten, I'd say 14.</p> <p>11 Q Okay. And this is six weeks before the</p> <p>12 flight incident?</p> <p>13 A Yes. And Dr. Le -- you should have a</p> <p>14 document that -- right around that date -- that day</p> <p>15 or the next day, Dr. Le took me into surgery and</p> <p>16 gave me the steroid injections.</p> <p>17 Q All right. I'm going to show you</p> <p>18 Exhibit JJ, Bates stamp 320. And it's a</p> <p>19 prescription -- a script from Paul Le dated</p> <p>20 April 30th, 2015.</p> <p>21 MR. COMERFORD: I got it right.</p> <p>22 A This is for Hydromorphone?</p> <p>23 Q I think it's --</p> <p>24 A Yeah. That's -- Dilaudid something -- is</p> <p>25 actually Hydromorphone.</p>	<p>1 going to be sitting in the car all that time or I'd</p> <p>2 had a chair with me, and I could have just sat down.</p> <p>3 I couldn't even see her to find out how much longer.</p> <p>4 But I knew when we got there, and I know when she</p> <p>5 came back. I was in so much pain. It just ruined</p> <p>6 that shot, because the shot had made me feel so good</p> <p>7 back-wise. But I don't even need to look at it. I</p> <p>8 remember that incident.</p> <p>9 Q Okay. So the shot was on four --</p> <p>10 A April 10th, wasn't it, or somewhere around</p> <p>11 there --</p> <p>12 Q Sometime --</p> <p>13 A -- 21st.</p> <p>14 Q -- sometime in late April?</p> <p>15 A Right.</p> <p>16 Q And then this soccer meet where you drove</p> <p>17 out was sometime in early May?</p> <p>18 A Uh-huh.</p> <p>19 MS. SALINAS: Was that a yes?</p> <p>20 THE WITNESS: Yes. I'm sorry.</p> <p>21 Q (By Mr. Comerford) Okay. So that -- this</p> <p>22 is less than a month before the flight incident?</p> <p>23 A Yes.</p> <p>24 Q Okay. Between the soccer meet and the</p> <p>25 flight incident, can you tell me what was done for</p>
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<p>1 Q Okay.</p> <p>2 A Morphine not morphine, Hydromorphone.</p> <p>3 Q Okay. And this was a prescription prior</p> <p>4 to the date of the incident. Correct?</p> <p>5 A Correct. I think I had already had some,</p> <p>6 though. I don't think that was when I first got</p> <p>7 them.</p> <p>8 Q Okay. Next I'm going to show you</p> <p>9 Deposition Exhibit KK, Bates stamp -- this is from</p> <p>10 Dr. Guerra, Bates stamp 512 through 514. I marked</p> <p>11 it, "History of Present Illness: The back ain't</p> <p>12 happy. I had the injections a week ago. The next</p> <p>13 day she felt wonderful. Later in the weekend she</p> <p>14 sat in the car for three-and-a-half hours --</p> <p>15 A Oh, yes.</p> <p>16 Q -- and then the back pain came back. She</p> <p>17 took all of her medications and felt overly</p> <p>18 sedated."</p> <p>19 Yeah. I just want you to take a look at</p> <p>20 that.</p> <p>21 MR. COMERFORD: Oh, sorry.</p> <p>22 A I -- I remember that.</p> <p>23 My other granddaughter had a soccer meet,</p> <p>24 I think, in -- near Elgin. And for some reason, her</p> <p>25 mom and dad couldn't take her. I didn't know I was</p>	<p>1 the pain in your back?</p> <p>2 A Oh, I don't recall if they gave me another</p> <p>3 injection or not or it just slowly -- with the</p> <p>4 medications that I take slowly helped it.</p> <p>5 But I remember when I went to her</p> <p>6 graduation, I was still having pain maybe five or</p> <p>7 six level, but they had that wheelchair in Idaho.</p> <p>8 So I -- my daughter-in-law pushed me up into Idaho</p> <p>9 Stadium. They have an indoor stadium, and that's</p> <p>10 where the graduation was.</p> <p>11 Q When you went to that graduation, did you</p> <p>12 fly to Denver or did you fly to Salt Lake and</p> <p>13 Pocatello?</p> <p>14 A I think I flew into Pocatello.</p> <p>15 Q Okay. And how long a flight would it be</p> <p>16 from Austin to Salt Lake and then Pocatello?</p> <p>17 A It's not very long. I try and get the</p> <p>18 nonstop flight from Austin to Salt Lake, and that's</p> <p>19 usually two hours. And we usually have 45 to 55</p> <p>20 minutes in between. There's a flight that gets me</p> <p>21 into Pocatello at lunchtime, 11:30. Then I</p> <p>22 usually -- I think I leave at 8:00 -- 8:20, and I'm</p> <p>23 in Pocatello at 11:20.</p> <p>24 Q So what's your best estimate that you said</p> <p>25 it was May 21, maybe or May 22?</p>

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**Maxine White on 12/19/2018**

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<b>Page 90</b>	<b>Page 92</b>
1 A Well, it was May 21, because you -- I had	1 A Uh-huh.
2 stated it.	2 Q Through Security?
3 So the grandson graduated the 19th. One	3 A Yes, through Security.
4 the day before and one the day after.	4 Q And you walked through for Security?
5 Q So when would you have gone out there?	5 A No. What they normally do with me is when
6 A Oh. To her graduation? Probably -- okay.	6 we get to Security, they give me another cane. And
7 She graduated on a Friday. I probably went out on	7 I'm like -- the wheelchair stops just right before
8 that Tuesday or that Wednesday.	8 you get in that thing that -- (indicating) -- to
9 Q All right. So let's walk through that	9 go --
10 experience. Okay?	10 Q Right.
11 A Uh-huh.	11 A And they do that. And then when I get to
12 Q When you -- you flew out of Austin --	12 the other side, they hand me back my cane. And then
13 A Uh-huh.	13 my wheelchair is checked and there's a -- like a
14 Q -- how did you get to the airport? This	14 bench not far from where you walk through. And I
15 is -- and all these questions are going to be for	15 just sit there and wait until the girl comes with my
16 the graduation --	16 wheelchair or the guy, whichever one it was.
17 A Right.	17 Q Is it your personal wheelchair?
18 Q -- the month before.	18 A No.
19 A Someone drove me. I don't remember who,	19 Q It's the airport's wheelchair?
20 though.	20 A It's the airport's chair.
21 Q Somebody dropped you at the airport?	21 Q Or -- I'm sorry. It's -- it's from the
22 A No. They didn't drop me. It might have	22 airport?
23 been Roger, because I waited out front, and he came	23 A It's from the airport. Right. I don't
24 and took my luggage in. I think my daughter, Jenny,	24 take my -- my wheelchair with me on flights.
25 was already out there. I'm almost positive that she	25 Q Okay. When you boarded the plane for the
<b>Page 91</b>	<b>Page 93</b>
1 was.	1 graduation was there a boarding ramp?
2 But he came in and took my luggage. At	2 A Yeah. You walk -- you just walk down --
3 one flight they gave him a pass, and he actually got	3 well, I didn't. I rolled down with my wheelchair.
4 to go sit at the gate with me until it was boarding	4 Someone took me down, and then they stopped right
5 time, but I don't remember if it was at that time or	5 before that one little piece where it's attached to
6 not.	6 the plane and to the chute. And I use my cane and
7 Q Okay. Who did you fly to Salt Lake?	7 walk across. And then when I get to the other side,
8 A I'm sorry?	8 usually the stewardesses assist me to my seat.
9 Q Who did you fly, Delta to Salt Lake?	9 Q So I'm going to call that a jet bridge.
10 A Probably so, because it would be the only	10 A Okay. That's fine.
11 one that went straight into Pocatello.	11 Q Okay. It connects the gate directly to
12 Q Okay. So when you get to the airport, do	12 the plane?
13 you go wheelchair from the car to the gate or	13 A Right.
14 something else?	14 Q You never leave the airport itself --
15 A No. I walk with my cane from the car to	15 A Right.
16 the check-in. And they send me over to wait for	16 Q -- it's just a ramp?
17 someone to bring the wheelchair, because all of my	17 A That's correct.
18 flights say wheelchair required and assistance; no	18 Q Do you understand what I'm talking about?
19 stairs.	19 A Yes, it is.
20 Q So related to the flight you took for the	20 Q So from the gate where you hand them your
21 graduation, you got to the airport, you used your	21 ticket, you were rolled down to the end. And then
22 cane to go to check in --	22 you walk from the end with your cane onboard the
23 A To walk in, yeah.	23 plane?
24 Q -- and then you were taken by wheelchair	24 A Right. It's like four or five steps at
25 to the gate?	25 most.

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1	Q That's what you did for that trip?	1	any markings on it that you recall?
2	A Yes.	2	A The wheelchair at the airport?
3	Q Okay. Do you remember what gate you flew	3	Q Right.
4	out of?	4	A I don't recall.
5	A No.	5	Q Okay. The person that wheeled you, did
6	Q Did you buy those tickets?	6	they have a uniform on?
7	A I'm sure I did.	7	A I don't recall.
8	Q Okay. Would you have --	8	Q Okay. When did you get back from
9	A Either -- well -- well, maybe -- sometime	9	graduation -- the trip for graduation?
10	I buy my tickets, but sometime my son will buy them.	10	A I think the next week.
11	Sometime Chris will buy them.	11	Q Do you usually fly Tuesday, Wednesdays?
12	Q Okay.	12	A Usually.
13	A I can look back in my travels and see if I	13	Q So sometime the last week of May?
14	have them.	14	A Yes. I think I was back home for Memorial
15	Q Do you think you'd have record of what the	15	Day.
16	flight number was?	16	Q Okay. Between Memorial Day weekend and
17	A That could be a possibility. I'm just not	17	June 10, any incidents or memories about your back
18	a 100 percent certain --	18	pain?
19	Q Sure.	19	A I know that I was still in some back pain.
20	A -- if I have it or not.	20	Q Did you alert your treaters, mister --
21	Q But it would have been the Friday, 5-21	21	Dr. Le, Dr. Guerra, that you were planning a trip on
22	flight?	22	June 10th?
23	A (Witness shakes head).	23	A Oh, I'm sure I did. But because I'd had
24	No, I wouldn't have left --	24	an injection in April -- I think that's when it was,
25	Q May 21 --	25	April; usually they want three months in between the
Page 95		Page 97	
1	THE REPORTER: Guys, guys, you can't	1	injections. So I just had to take more Tramadol.
2	do this.	2	Q All right. You want to take a quick break
3	MR. COMERFORD: Sorry.	3	or you good to go?
4	THE WITNESS: Okay. I'm sorry.	4	A I -- we can keep going --
5	MR. COMERFORD: Sorry about that.	5	Q Okay.
6	THE REPORTER: Yeah, it's getting out	6	A -- unless anybody else needs a break.
7	of control. It would have been the what?	7	MR. LEVINE: I'm okay? Are you?
8	Q (By Mr. Comerford) It would have been the	8	Q All right. Okay. Let's go to the morning
9	May 21st flight, no?	9	of June 10 --
10	A That was graduation day.	10	A Okay.
11	Q Right.	11	Q -- 2015. What time was your flight that
12	A It would have been probably Tuesday or	12	day?
13	Wednesday before graduation.	13	A Oh, Lord, I don't -- I don't remember.
14	Q So the Tuesday of that week or the	14	Q Morning or afternoon?
15	Wednesday of that week --	15	A I'm sure it was morning.
16	A Uh-huh.	16	Q And where were you going?
17	Q -- what time was the flight?	17	A Denver.
18	A I believe it was like 8:20 or so in the	18	Q And what was the purpose of the trip?
19	morning.	19	A I was going to my son Chris' house, and
20	Q Okay.	20	his wife and my grandchildren were -- well, my
21	A And then I arrive in Pocatello, like I	21	granddaughter was already there at the university.
22	said, 11:30. That's my choice of flight.	22	My grandson and his wife were going to fly down -- I
23	Q Okay. And the person that -- well,	23	mean, drive down and then we were going to drive to
24	let's -- let's do this first.	24	Estes Park. We had rented those couple of cabins
25	The wheelchair that you used, did it have	25	there.



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<b>Page 98</b>	<b>Page 100</b>
1 Q How long were you going to go for?	1 A It could -- well, Daniel was gone. It had
2 A How long was I going on that particular	2 to have been Roger.
3 trip? Usually a week is when I would travel.	3 Q And Roger was not going on the trip?
4 Q And Estes Park, how long had you rented	4 A No.
5 the cabins for?	5 Q Okay. So when he got you to the airport
6 A We -- three or four nights. When I got to	6 what happened?
7 Denver, our plane was late, because of the way we	7 A I --
8 boarded and because of them trying to figure out how	8 Q And I just mean immediately when he
9 to get me into the plane. And we got there late.	9 dropped you off, what happened?
10 And so the next day, because my back was bothering	10 A Okay. Well, he takes me in the -- I get
11 me more than when I left, after the incident, we	11 out, and he puts my luggage on one of those -- by
12 stayed another day at my son's apartment. And then	12 one of those round things. And then he goes and
13 the following day we drove to Estes Park. And I	13 parks the car. That way I don't have to walk from
14 just stayed at the cabin. The only time I would go	14 wherever to the entrance.
15 out is if we were going out to dinner.	15 And then when he comes back, he gets the
16 Q How long is the drive from Fort Collins --	16 luggage, and we go inside and I check in. He gives
17 well --	17 them my luggage, and they instruct me where to go to
18 A 45 minutes.	18 wait for a wheelchair.
19 Q Denver to Fort Collins?	19 Q Okay. On this particular trip how much
20 A Denver, probably 20.	20 time was there from when you got there to when the
21 Q 20 minutes?	21 flight was leaving?
22 A Uh-huh. It's not far.	22 A At least an hour and a half.
23 Q And then Fort Collins to Estes Park you	23 Q And what day of the week was it?
24 said 45 --	24 A I don't remember.
25 A 45 minutes.	25 Q Middle of the week?
<b>Page 99</b>	<b>Page 101</b>
1 Q Okay. What time did you leave your house	1 A Probably so.
2 for the flight?	2 Q Weather?
3 A Well, if it was a morning flight it just	3 A Weather was nice.
4 depends on what time of day that flight was. I just	4 Q Had you flown Frontier before?
5 don't remember, offhand, what time I flew out.	5 A Yes.
6 Q Well, how --	6 Q How many times?
7 A I know -- well, you know what, it was	7 A I don't recall, but I do know I've flown
8 afternoon or evening, because we didn't get there	8 with them before.
9 until 9:30, I think, that night.	9 Q To Denver?
10 Q Okay. When you say get there, got to	10 A Possibly. Maybe even to Salt Lake at one
11 Denver or got to Fort Collins --	11 time.
12 A Got to Denver.	12 Q Had you flown Frontier from Austin?
13 Q Okay. And just to remind you, wait until	13 A I've flown -- we flew Frontier when we
14 I -- you know where I'm going --	14 went to Alaska. We flew from Austin to Seattle.
15 A I'm sorry.	15 Q How long ago was that?
16 Q -- so just wait for me. Yeah. I'll try	16 A It was August, I believe, the 3rd of 2012.
17 and catch up.	17 It was retirement celebration trip.
18 So how did -- for this trip -- for -- I'm	18 Q When you checked in at Frontier, what
19 going to call it the Estes Park trip --	19 happened next?
20 A Okay.	20 A The lady told me to go out to a section
21 Q -- to distinguish it from the graduation	21 that was a -- in between the door and the area that
22 trip --	22 you check in and have a seat there and she would
23 A Okay.	23 call for a wheelchair.
24 Q -- who took you to Austin airport for the	24 Q The lady behind the counter at Frontier,
25 Estes trip?	25 can you describe her?



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<p>1 A I believe she was a Hispanic lady. She</p> <p>2 was a little short, not just with me, but with</p> <p>3 everybody that she was checking in.</p> <p>4 Q And you're not talking about height;</p> <p>5 you're talking about her tone?</p> <p>6 A I'm talking about her tone.</p> <p>7 Q Okay.</p> <p>8 A She was not a professional at all.</p> <p>9 And then I found out that right before</p> <p>10 that trip Frontier had laid off all of their workers</p> <p>11 except for their pilots and I believe their</p> <p>12 stewardess [sic]. And the rest of the people, like</p> <p>13 the lady at -- that checked me in was from a</p> <p>14 temporary agency or somewhere. And any of the</p> <p>15 people who work for Frontier that brought</p> <p>16 wheelchairs and took the people to their gates also</p> <p>17 had been laid off.</p> <p>18 Q And how did you find that out?</p> <p>19 A I found that out from one of them</p> <p>20 employees there at the Denver airport, actually.</p> <p>21 But the lady that was checking you in also checked</p> <p>22 us -- took our ticket and scanned it before we got</p> <p>23 on the bus to go out on the tarmac to board the</p> <p>24 plane.</p> <p>25 Q So the individual that you were dealing</p>	<p>1 see what's causing the holdup on your wheelchair."</p> <p>2 And so he went. And right before -- I saw</p> <p>3 him walking back to me, but right in front of him</p> <p>4 was a young lady pushing a wheelchair, and she was</p> <p>5 there to get me.</p> <p>6 Q So you spoke to him at check in?</p> <p>7 A Well, not -- he wasn't behind the counter.</p> <p>8 I spoke to him when I was waiting. There's some</p> <p>9 seats there; a bench of, I don't know, five seats</p> <p>10 maybe. And he was sitting there, I guess, observing</p> <p>11 the customers going up and getting their tickets and</p> <p>12 then going through the Security -- down to Security.</p> <p>13 Q Can you describe him for me?</p> <p>14 A Oh --</p> <p>15 Q Male?</p> <p>16 A Male. I would say in his 40s, dark hair.</p> <p>17 He was probably around -- he wasn't real tall; I</p> <p>18 would say 5'10", 5'11", medium-sized frame, build.</p> <p>19 He wasn't overweight. He wasn't really underweight,</p> <p>20 either.</p> <p>21 Q What was he wearing?</p> <p>22 A I think just regular sports shirt and</p> <p>23 slacks. I don't -- I don't really recall. I just</p> <p>24 remember about that part of him, because when he</p> <p>25 walked off and that he said he worked for Frontier.</p>
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<p>1 with at the ticket counter was also the individual</p> <p>2 who was on the shuttle bus later?</p> <p>3 A She wasn't on the shuttle bus. When we</p> <p>4 went out the door to get on the shuttle bus, she</p> <p>5 took our ticket and scanned it. And I -- when I</p> <p>6 went and sat down at the waiting area for the</p> <p>7 wheelchair, there was a gentleman there from</p> <p>8 Frontier, and all I remember about him was his name</p> <p>9 was Derek (phonetic). And he told me that they were</p> <p>10 doing something different that day. It was like a</p> <p>11 trial run. And he was there to observe how long it</p> <p>12 took to get all the passengers from the gate waiting</p> <p>13 area down the tarmac to the stairs of the plane.</p> <p>14 And the next day he said he was going to somewhere</p> <p>15 in Florida, and they were doing the same thing.</p> <p>16 Q And you said his name was Derek?</p> <p>17 A That's all I remember. His name was</p> <p>18 Derek.</p> <p>19 Q And this -- he was talking to you</p> <p>20 personally?</p> <p>21 A Yes, he was.</p> <p>22 Q Where were you --</p> <p>23 A I was sitting there waiting on my</p> <p>24 wheelchair. And then -- I mean, we talked for a</p> <p>25 while. And he said, "I'm going to go and look and</p>	<p>1 And I had no reason to disbelieve him. He had a</p> <p>2 badge on with his picture that said Frontier.</p> <p>3 Q That's what I was going to ask you, did he</p> <p>4 have some kind of --</p> <p>5 A Yes, he did. He had a badge that said --</p> <p>6 it said his name and it showed a picture of him.</p> <p>7 Above it, I think -- I think it was above it --</p> <p>8 above his picture, it said Frontier. But it was on</p> <p>9 there.</p> <p>10 Q Any of his clothes have any kind of</p> <p>11 signature that say Frontier signage?</p> <p>12 A I don't -- I don't recall them --</p> <p>13 Q Okay.</p> <p>14 A -- to have any.</p> <p>15 Q White, black, Hispanic, something else?</p> <p>16 A I'm sorry?</p> <p>17 Q White, black --</p> <p>18 A He was a Caucasian.</p> <p>19 Q Long hair, mustache, any other -- glasses?</p> <p>20 A I don't believe he had a mustache or</p> <p>21 glasses.</p> <p>22 Q How long did you talk to him for?</p> <p>23 A 20, 25 minutes. Then he went and looked</p> <p>24 for my wheelchair.</p> <p>25 Q And then once he comes back?</p>

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<p>1 A He said, "Oh, well, she's here now." He</p> <p>2 said, "She's going to take you downstairs." And I</p> <p>3 thought downstairs? I haven't been downstairs since</p> <p>4 years and years ago when they first moved to Idaho</p> <p>5 and I had to walk one time across the tarmac from</p> <p>6 the plane into the building. And he went down there</p> <p>7 and said that -- well, upstairs he told me about us</p> <p>8 going downstairs. And I said, "Oh, are they going</p> <p>9 to be able to get me on?" And he said, "Oh, don't</p> <p>10 worry about it. We'll get you on the plane." And</p> <p>11 then when I was downstairs, they took out all the</p> <p>12 passengers except for myself and a family that had,</p> <p>13 I think, a small baby and a little boy and then an</p> <p>14 older gentleman and probably his daughter. And then</p> <p>15 I was the very last person to go out. And he had</p> <p>16 told me -- he had told me I was going to be last,</p> <p>17 which was unusual, because any time someone with a</p> <p>18 disability or small children, they're usually loaded</p> <p>19 into the plane first and then the passengers --</p> <p>20 however -- you know, first part, second part,</p> <p>21 whatever ticket time they have.</p> <p>22 Q Was Roger still around or did he --</p> <p>23 A Oh, no. He -- once I got seated in the</p> <p>24 bench area, he'd left at that time.</p> <p>25 Q Okay. How did they get you from check-in</p>	<p>1 shirt.</p> <p>2 Q Any signage or name or any letters on --</p> <p>3 A Her clothing?</p> <p>4 Q -- any of her clothing?</p> <p>5 A I don't recall any. I'm sure she had a</p> <p>6 badge. I just don't recall what it looked like or</p> <p>7 anything.</p> <p>8 Q And the -- the wheelchair itself, anything</p> <p>9 that you can describe about the wheelchair itself?</p> <p>10 A It was just a normal wheelchair.</p> <p>11 Q Any letters or signs on it?</p> <p>12 A I do not recall any.</p> <p>13 Q The woman working at the counter, age?</p> <p>14 A I would say in her 50s.</p> <p>15 Q Height?</p> <p>16 A Let's see. I'm 5'3", and she was taller</p> <p>17 than me. She was probably about 5'6".</p> <p>18 Q Did you ever get her name?</p> <p>19 A No -- oh, maybe I did. For some reason I</p> <p>20 keep thinking -- when I think about her, I think of</p> <p>21 Dolores, but that may or may not be.</p> <p>22 Q And length of hair, color of hair?</p> <p>23 A She had black hair. I don't remember if</p> <p>24 she wore glasses or not.</p> <p>25 Q And you say she was short with people.</p>
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<p>1 to this downstairs area?</p> <p>2 A By -- by a wheelchair. The girl who came.</p> <p>3 And then we took the elevator and went downstairs.</p> <p>4 And then there was a section -- sorry, I'm getting</p> <p>5 cottonmouth.</p> <p>6 Then there was a section that was kind of</p> <p>7 not roped off, but you know those silver sticks and</p> <p>8 then it's got some kind of a chain or something --</p> <p>9 Q Okay.</p> <p>10 A -- it was a small section and there were a</p> <p>11 few chairs in there. That's where the lady with --</p> <p>12 and man with the small children, and the man and his</p> <p>13 daughter were at. They were seated in there. And</p> <p>14 she drove me into that area. And that's when he</p> <p>15 came and he was telling me that I would -- we would</p> <p>16 all probably be last loading on the bus.</p> <p>17 Q Okay. What was the -- the description for</p> <p>18 the girl who was pushing you in the wheelchair?</p> <p>19 A It was her first day. She was very</p> <p>20 polite. She was also friendly and nice. She might</p> <p>21 have even -- no, I don't think she would have known</p> <p>22 about the layoffs. But she might have. I don't</p> <p>23 remember, though.</p> <p>24 Q What was she dressed in?</p> <p>25 A I want to say some dark slacks and a white</p>	<p>1 What do you mean?</p> <p>2 A She was just kind of snappy, you know,</p> <p>3 when she'd check you in. If you asked her a</p> <p>4 question, her tone of voice, there was nothing</p> <p>5 friendly at all about it. It was like that was the</p> <p>6 last place in the world she wanted to be.</p> <p>7 Q Was there any sign or letters on her</p> <p>8 clothing?</p> <p>9 A No. But that guy Derek --</p> <p>10 Q Uh-huh.</p> <p>11 A -- when they took me out, he was still</p> <p>12 down there waiting for me to go out to the bus.</p> <p>13 Q Downstairs?</p> <p>14 A Downstairs. And he was still there. And</p> <p>15 I had the girl ask how much longer was it before we</p> <p>16 started boarding, because we were already late at</p> <p>17 that point. And she snapped off something. I don't</p> <p>18 recall what. And the girl -- I told the girl, "Just</p> <p>19 take me back. I'm not going to sit over here."</p> <p>20 And Derek was standing nearby and he came</p> <p>21 over. And I said, "Do you see what I had told you</p> <p>22 earlier about her when we were upstairs," because</p> <p>23 she was real short, not just with me, but with all</p> <p>24 the people. And he said, "Yes, I did. That will be</p> <p>25 handled." So...</p>

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1 Q Okay. So how long were you up in the	1 Q Okay. When did you first realize they did
2 check-in area?	2 not?
3 A At least half an hour.	3 A When I got out there and I saw the stairs
4 Q Waiting for the wheelchair?	4 and then we got off the plane, the firemen were
5 A About 20 minutes.	5 there to greet me. And I asked them, "Did they not
6 Q And then downstairs -- when you were taken	6 have a lift or ramp?" And he said, "No." And I was
7 downstairs how long did you wait down there?	7 like, oh, my god. And I started counting the steps.
8 A Probably 15, 20 minutes before they got	8 There were 16 steps from the tarmac to the plane --
9 everyone, because he's the one who told them to	9 top of the plane.
10 start moving out and go board on the bus that was	10 Q So let me back up.
11 right nearby on the tarmac. They -- they drove them	11 You board the plane -- you board the
12 around to the plane.	12 shuttle with the individuals you had named before,
13 Q Okay. So is this an area that was near	13 the family --
14 like luggage pickup or a different area?	14 A Right.
15 A Where we were sat -- sitting --	15 Q -- and the older gentleman?
16 Q Before you went out?	16 A Right.
17 A -- no. It was -- it wasn't luggage pickup	17 Q So there's maybe seven of you?
18 at all. It was like another area passengers could	18 A Maybe so. There was a man and his wife,
19 wait if they were boarding a small plane.	19 their little boy and she was holding the baby. And
20 Q And were you there with everyone who was	20 then there was the elderly gentleman and his
21 going to be on the plane?	21 daughter, myself and the young lady who was pushing
22 A At that time, yes.	22 my wheelchair.
23 Q And then they started boarding them --	23 Q And -- okay. And then the shuttle driver?
24 A They boarded them on the shuttle. And	24 A And the shuttle driver, yes.
25 then they came back after they emptied the shuttle	25 Q Do you know the names of any of those
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1 bus and picked up myself, the elderly gentleman and	1 people?
2 his daughter and the family with the small baby and	2 A No.
3 little boy.	3 Q Did you ever have a -- a -- opportunity to
4 Q Did they explain how far away the plane	4 talk to them about what happened?
5 was or could you see the plane?	5 A No.
6 A No. You couldn't see the plane. You had	6 Q Okay. When the shuttle pulls up to the
7 no idea where it was at other than out there.	7 plane, how long was the trip from the airport to the
8 Q So when the first shuttle left how long	8 plane itself on the shuttle?
9 was it before it came back?	9 A Three, four minutes. It wasn't very long
10 A Maybe ten or 12 minutes. It wasn't that	10 at all.
11 long.	11 Q And then once you pull up to the plane,
12 Q Okay. Was there any discussion about how	12 what happened then?
13 you were going to get on the plane?	13 A The other people got out, and then the
14 A Not at that time.	14 young lady pushed me out. And that's when I met the
15 Q Okay.	15 firemen.
16 A Only upstairs when he told me we were	16 Q So now you're on the airport tarmac?
17 going downstairs and boarding from there, I made the	17 A I'm on the tarmac, yes.
18 comment to him, "I hope you can get me on the	18 Q And the woman that you had spoken to
19 plane." And he said, "Don't worry. We will get you	19 before that -- who you thoughts name might be
20 on the plane."	20 Dolores --
21 And when I fly into Pocatello, it's a	21 A She wasn't out there.
22 smaller aircraft that I fly in on, and they have a	22 Q Was she downstairs at any point?
23 ramp. So I'm there -- I -- I had no reason to worry	23 A Yeah. She's the one who scanned our
24 about boarding that plane, because I assumed they	24 tickets as we went out the door.
25 were going to have a ramp or wheelchair lift.	25 Q So immediately before you got on the

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1 shuttle she scanned your --	1 that said AFD or some emblem like that. I think
2 A She scans our tick -- my ticket, correct.	2 both of them had that on.
3 THE REPORTER: Guys.	3 Q And then for pants, like the bunker gear,
4 MR. COMERFORD: Sorry.	4 the heavy -- heavy --
5 Q (By Mr. Comerford) She would be the one	5 A They -- right. They had like cargo-type
6 who scanned your ticket?	6 pants.
7 A Correct.	7 Q Okay. Any other tattoos, glasses,
8 Q And did you have any further discussion	8 anything --
9 with her?	9 A No.
10 A No.	10 Q -- distinguishing?
11 Q Did she tell you that you would be meeting	11 A No. The other gentleman was a little bit
12 firefighters when you got there?	12 taller. He was -- he had blonde-color hair, fairly
13 A No.	13 light blonde-colored hair. Same dress type that the
14 Q Did anyone give you an idea of how you	14 other gentleman had. One was the Captain and one
15 were going to be brought up onto the plane?	15 was the Lieutenant.
16 A No.	16 Q Ages?
17 Q Okay. When you get up there how many	17 A Oh, I would say they both were probably in
18 firefighters were there?	18 their early 40s.
19 A Initially, there were the two, the Captain	19 Q So they asked you to stand up?
20 and a Lieutenant. And then they asked me about	20 A If I could stand up.
21 carrying me up in the wheelchair, and I was like,	21 Q And then they took --
22 "Oh, my god, that don't look safe." And so he said,	22 A That -- to check the wheelchair without me
23 "Well, let's let you get out, and I'll take it up a	23 being in it.
24 few steps and we'll see." And so he went backwards	24 Q Okay.
25 maybe four steps, and the other fireman was standing	25 A And they said that it was too dangerous.
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1 right there at the foot of the step. And they were	1 But they had another chair that they were -- they
2 talking and saying -- I could hear them. They were	2 were calling for.
3 saying, "No. This is really not going to work."	3 Q Okay. So then they gave you back your
4 And so they came back down and brought the	4 wheelchair?
5 wheelchair back to me. He said, "Well, just sit	5 A Uh-huh. And I stayed in it until these
6 back down. We have another chair that we can use to	6 other two firemen came. And they brought -- I think
7 get you in the plane." And I said, "You all don't	7 it's a fire rescue chair.
8 have a ramp or a lift?" And he said, "No. The	8 Q How long did you wait for that?
9 airport doesn't have one." And I was like, "Okay."	9 A Maybe five or ten minutes. I don't --
10 I -- I didn't know what else to say or do at that	10 Q The shuttle -- shuttle drive away by this
11 point other than wait to see what the next option	11 point?
12 was.	12 A Yes. And the young lady -- well, no, it
13 Q Okay. And that was a discussion with the	13 did not. It did not leave until I was in this
14 Captain?	14 rescue chair and they had started to take me up the
15 A The Captain, yes, and --	15 steps, because she had my backpack, which had my
16 Q Okay. Can you describe the Captain for	16 purse in it and all my medicines in it.
17 me?	17 Q The attendant for the wheelchair?
18 A Oh, goodness. He was probably about	18 A The attendant for the wheelchair. And she
19 6-foot tall, dark hair -- one of them was either	19 gave it to one of those workers with the vest on --
20 Captain Brown or Lieutenant Brown.	20 reflective vests. And after they got me in the
21 Q Male?	21 plane he walked up the steps and handed it to one of
22 A Male, Caucasian.	22 the stewardesses, and then she -- after I got out of
23 Q Dark hair, white, 6-foot.	23 the -- unstrapped out of that chair, she told me --
24 Any -- what were they wearing?	24 my seat was real near the front, like second, third
25 A I think a T-shirt with that round circle	25 aisle; I don't remember, but it was very close to

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<p>1 the front.</p> <p>2 Q Okay.</p> <p>3 A And she said, "Are you okay?" Because</p> <p>4 that was terrifying. And I said, "Well, I'm in a</p> <p>5 little pain, and I need to take some medicine." I</p> <p>6 knew my blood pressure was up. That was -- I don't</p> <p>7 like rollercoasters. This was like being on one</p> <p>8 side of a rollercoaster with the wheels underneath</p> <p>9 you. It was horrible. It was a horrible</p> <p>10 experience. And one of the things that the firemen</p> <p>11 and I both said to each other was, I -- that was a</p> <p>12 very risky venture to bring me up the way I had been</p> <p>13 brought up. And it was terrifying. I closed my</p> <p>14 eyes until the one in front of me said, "I'm losing</p> <p>15 my grip -- we need to stop. I'm losing my grip."</p> <p>16 Q Okay. Well, let me step back.</p> <p>17 How long did it take before the rescue</p> <p>18 chair came out?</p> <p>19 A Five or ten minutes, I would think.</p> <p>20 Q Okay.</p> <p>21 A I don't think it was really that long.</p> <p>22 Q Okay.</p> <p>23 A I think it might have been three or four</p> <p>24 minutes. It wasn't long.</p> <p>25 Q What did that chair look like?</p>	<p>1 rescue chair, can you describe them for me?</p> <p>2 A One was probably right about 6-foot tall,</p> <p>3 and I think he was Captain Brown. And then the</p> <p>4 other gentleman was probably 6'2", 6'3". He was</p> <p>5 fairly tall with blonde hair.</p> <p>6 Q I'm sorry. Those are the -- you said two</p> <p>7 other firefighters came?</p> <p>8 A Oh, I don't -- I don't recall them. All I</p> <p>9 know is the -- one of the gentleman that -- the</p> <p>10 Captain or the Lieutenant went and got that chair</p> <p>11 and came over with it.</p> <p>12 Q Okay. So they just came and left?</p> <p>13 A They came and left, correct.</p> <p>14 Q All right. So once the other rescue chair</p> <p>15 came, what happened?</p> <p>16 A Well, the firemen told me they would carry</p> <p>17 me up to the -- into the plane.</p> <p>18 Q What did you tell them?</p> <p>19 A "That don't look too safe." They said,</p> <p>20 "Oh, no. It's fine."</p> <p>21 Q And what did you say?</p> <p>22 A "Okay. We'll give it a try." I -- I</p> <p>23 wanted to go on -- on my trip and have -- be with my</p> <p>24 two sons and their wives and my grandchildren.</p> <p>25 Q Did you ever tell them, no, stop?</p>
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<p>1 A It was a straight back and it was metal</p> <p>2 and a straight part that was probably, I would say,</p> <p>3 maybe 18 inches long. And the back was probably the</p> <p>4 same width and length.</p> <p>5 Q Color?</p> <p>6 A They were silver.</p> <p>7 Q Silver.</p> <p>8 Any writing on it?</p> <p>9 A I don't recall any.</p> <p>10 Q Okay.</p> <p>11 A There were hooks, though, for the straps.</p> <p>12 Q The flight attendant, you said female?</p> <p>13 A Yes.</p> <p>14 Q How old?</p> <p>15 A I don't know, maybe in her 30s.</p> <p>16 Q Race? Race?</p> <p>17 A Caucasian.</p> <p>18 Q Any distinguishing eyeglasses, earrings,</p> <p>19 hair color?</p> <p>20 A Dark hair. That's about all I -- I'm</p> <p>21 sorry. I don't remember a lot about her.</p> <p>22 Q That's fine. I'm just trying to get the</p> <p>23 players that were there.</p> <p>24 A Right.</p> <p>25 Q The two firefighters that show up with the</p>	<p>1 A No. I think I just told them, "This is</p> <p>2 terrifying," and I closed my eyes until the one in</p> <p>3 front of me said, "We need to stop. I'm losing my</p> <p>4 grip."</p> <p>5 Q Okay.</p> <p>6 A And then I opened my eyes.</p> <p>7 Q Okay. So describe for me where they set</p> <p>8 up the chair for you to transfer from the wheelchair</p> <p>9 to the straight back chair.</p> <p>10 A Fairly close to the steps --</p> <p>11 Q With the back towards the plane?</p> <p>12 A Yes. The back toward the plane.</p> <p>13 Q Were you carried up backwards?</p> <p>14 A Yes.</p> <p>15 Q Okay. Who went first, which officer?</p> <p>16 A The Captain.</p> <p>17 Q The Captain went first and then the other</p> <p>18 firefighter was in front of you?</p> <p>19 A Right.</p> <p>20 Q Okay. You said you closed your eyes?</p> <p>21 A Oh, yes. It --</p> <p>22 Q Was that as soon as they lifted you?</p> <p>23 A Yes, pretty much, because like I said, I</p> <p>24 don't like heights, I don't like rollercoasters.</p> <p>25 And there was nothing to protect us if they started</p>



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<p>1 losing their grip on me, on -- on my chair, rather,</p> <p>2 because I would just fall onto the tarmac. And I</p> <p>3 told them, "Hey, if you all start losing me, just</p> <p>4 don't try to rescue me then. Run down the steps and</p> <p>5 see if you all can save me then."</p> <p>6 Q Were they wearing gloves?</p> <p>7 A I don't believe so.</p> <p>8 Q How wide is the stairs?</p> <p>9 A Oh. Well, if -- if someone even -- which</p> <p>10 there were men on the flight bigger than me, they</p> <p>11 still had room on both sides, because I -- I think</p> <p>12 it was just like some kind of a cable rope maybe on</p> <p>13 them. I -- I just -- I don't remember. There was</p> <p>14 something on them, but it didn't appear to be very</p> <p>15 safe or strong.</p> <p>16 Q So part of a vehicle -- like was it</p> <p>17 something that they drove up to the plane or was it</p> <p>18 standalone or something else?</p> <p>19 A It was standalone. It didn't have wheels</p> <p>20 or anything like that.</p> <p>21 Q Did it have sides to it? Was it enclosed?</p> <p>22 A No, no. It was straps on it; straps that</p> <p>23 they strapped my legs. They strapped my -- across</p> <p>24 my chest.</p> <p>25 Q Let me stop you. Sorry.</p>	<p>1 A No.</p> <p>2 Q Okay. When you closed your eyes to the</p> <p>3 point when you opened your eyes, did any part of</p> <p>4 your body come in contact with anything?</p> <p>5 A Just that chair I was sitting on.</p> <p>6 Q Okay. But did you feel an impact to any</p> <p>7 part of your body while you were being carried?</p> <p>8 A I don't believe so.</p> <p>9 Q Okay. When you opened your eyes how many</p> <p>10 steps were left?</p> <p>11 A We were about halfway up.</p> <p>12 Q Okay. Who said, "I'm losing my grip"?</p> <p>13 A The gentleman in front of me.</p> <p>14 Q Okay.</p> <p>15 A And just as -- he said, "We've got to</p> <p>16 stop. I'm losing my grip." And as soon as he said</p> <p>17 it, the other gentleman stopped and the gentleman</p> <p>18 that was in front started -- you could tell when he</p> <p>19 kind of lost it, because the front of the chair kind</p> <p>20 of hit.</p> <p>21 Q Did they move you up step by step, or were</p> <p>22 they carrying you in a fluid motion or something</p> <p>23 else, if you understand what I mean?</p> <p>24 A I understand what you mean.</p> <p>25 I want to say it was a fluid motion until</p>
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<p>1 I'm talking about the stairs.</p> <p>2 A Oh, I'm sorry. I thought you were talking</p> <p>3 about --</p> <p>4 Q The sides to the stairs, was it enclosed?</p> <p>5 A No.</p> <p>6 Q Okay. Were there sides to it where they</p> <p>7 had the handrails?</p> <p>8 A There was those rope things.</p> <p>9 Q Okay. What I mean is did it have walls on</p> <p>10 the sides of it?</p> <p>11 A No.</p> <p>12 Q Okay. From the time that you closed your</p> <p>13 eyes, was that when they first picked you up?</p> <p>14 A Well, I didn't close them right then.</p> <p>15 Probably started up a few steps and I realized it</p> <p>16 was going to make me extremely dizzy if I watched</p> <p>17 this --</p> <p>18 Q Okay.</p> <p>19 A -- not to mention more terrifying than it</p> <p>20 was.</p> <p>21 Q Right.</p> <p>22 At any point during that time from the</p> <p>23 time that they picked you up to when you were</p> <p>24 finally in your seat did you tell them, "Please</p> <p>25 stop. Please put me down"?</p>	<p>1 the gentleman started losing his grip.</p> <p>2 Q Meaning they weren't trying to go up step</p> <p>3 by step by step is what I mean?</p> <p>4 A No. One was behind me and one was in</p> <p>5 front and they just started carrying me.</p> <p>6 Q Did the chair have wheels?</p> <p>7 A No.</p> <p>8 Q What was on the bottom of it, just metal?</p> <p>9 A Metal. It was a -- it was -- it seemed</p> <p>10 like there were two rods -- getting cottonmouth.</p> <p>11 There were two rods and somewhere I could put my</p> <p>12 feet.</p> <p>13 Q When they took a break and placed the</p> <p>14 chair down, could you feel the chair rest against</p> <p>15 something?</p> <p>16 A When -- when he --</p> <p>17 Q When they put it down?</p> <p>18 A Oh, when they put it down once they were</p> <p>19 in the plane?</p> <p>20 Q No.</p> <p>21 My understanding is you heard --</p> <p>22 A Oh.</p> <p>23 Q -- the man in front of you say -- hold on.</p> <p>24 You heard the man in front of you say, "I'm losing</p> <p>25 my grip." After that, did you feel the chair come</p>



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<p>1 to the rest -- come to a rest on something?</p> <p>2 A Yes. It kind of fell to the step.</p> <p>3 Q Okay. How, on a scale to one to ten,</p> <p>4 would you describe that coming to a rest, one being</p> <p>5 light, ten being the worst?</p> <p>6 A I would say around a four. It was -- I</p> <p>7 mean, it was very frightening. And it was like a</p> <p>8 jolt when -- when it fell. It all happened really</p> <p>9 quickly. He lost his grip. He got it right back.</p> <p>10 But the front of the chair had enough time to hit, I</p> <p>11 guess, the step in front of us.</p> <p>12 Q And you say the front of the chair.</p> <p>13 Where your feet were --</p> <p>14 A Yes.</p> <p>15 Q -- or something else?</p> <p>16 A Where my feet were.</p> <p>17 Q Okay. And how long would you say that</p> <p>18 took before he got his grip back?</p> <p>19 A Just seconds, but it -- he lost it right</p> <p>20 as he was fixing to set it down. And so that's why</p> <p>21 it hit, I guess, the step.</p> <p>22 Q Okay. And what happened to your body when</p> <p>23 you felt it come to a rest?</p> <p>24 A Well, when it stop -- when we stopped from</p> <p>25 the jolt, I felt, you know, like something going</p>	<p>1 they picked it up again, how much longer did it take</p> <p>2 to get you on the plane?</p> <p>3 A Nothing -- no time. Just within 30, 40,</p> <p>4 50 seconds, something. We were about halfway up</p> <p>5 when it happened.</p> <p>6 Q From -- as best you can tell, from where</p> <p>7 you were being carried to where you felt his grip --</p> <p>8 A Okay.</p> <p>9 Q -- drop, how far did the chair itself drop</p> <p>10 in inches, however you could describe it?</p> <p>11 A I -- I would say inches. Probably maybe</p> <p>12 8 inches or so --</p> <p>13 Q An 8 inch drop --</p> <p>14 A Right, because he was --</p> <p>15 Q -- is what you fell?</p> <p>16 A -- that's -- because just as he said it he</p> <p>17 lost his grip. And then -- but, I guess, because he</p> <p>18 said, "We've got to stop. I'm losing my grip," the</p> <p>19 other firemen really took a stronger hold on the</p> <p>20 back part so they didn't lose me in that chair.</p> <p>21 Q And was it the left front, right front,</p> <p>22 middle front, something else?</p> <p>23 A It was like the middle.</p> <p>24 Q Did anything behind you come in touch with</p> <p>25 any of the stairs or just down near your feet?</p>
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<p>1 through my legs and to my back, of course. My back</p> <p>2 was not happy. And into my shoulders. And I</p> <p>3 thought, oh, I hope we get the rest of the way up</p> <p>4 here, because I've got to get out of this chair</p> <p>5 before I pass out on them.</p> <p>6 Q Were you getting carried at 90 degrees or</p> <p>7 45 degrees or something else?</p> <p>8 A I think I was tilted back a little bit</p> <p>9 toward the Captain. I mean, I wasn't back so much</p> <p>10 that I could see his face, but --</p> <p>11 Q Okay.</p> <p>12 A -- I could see the one in front of me,</p> <p>13 because he was in front. He was the blonde-haired</p> <p>14 gentleman.</p> <p>15 Q Okay. No part of your body came in touch</p> <p>16 with anything on the stairs. Correct?</p> <p>17 A I don't believe so.</p> <p>18 Q A piece of the chair you think came in</p> <p>19 touch with one step?</p> <p>20 A Yes. Now, I know that it had to have --</p> <p>21 it had to have been the steps. There was nothing</p> <p>22 else there for it to land on.</p> <p>23 Q Did you hear anything?</p> <p>24 A Yeah. I heard thunk.</p> <p>25 Q Okay. And then how much longer -- once</p>	<p>1 A Down to my feet.</p> <p>2 Q Down -- no. What I was asking was down at</p> <p>3 your feet or any other part of your body or did you</p> <p>4 just feel it down at your feet?</p> <p>5 A No. I felt it through my body. It was</p> <p>6 like a jumble -- you know, like you shook something.</p> <p>7 I don't know.</p> <p>8 Q What I'm trying to figure out is what part</p> <p>9 of the chair came in touch with --</p> <p>10 A With me?</p> <p>11 Q -- the stairs -- no, with the stairs?</p> <p>12 A Had to been the front part.</p> <p>13 Q Near your feet.</p> <p>14 And what I'm saying is that's down near</p> <p>15 your feet?</p> <p>16 A Yes.</p> <p>17 Q Okay. From the time you were put in the</p> <p>18 rescue chair to the time you were done on the stairs</p> <p>19 and at the top, how much time went by?</p> <p>20 A Just a couple of minutes.</p> <p>21 Q Okay. And the rest of the time after they</p> <p>22 picked you up and carried you to the top, was there</p> <p>23 any other incident?</p> <p>24 A No. Once he got his grip, then they just</p> <p>25 took me on up to the top. And I was like, "I</p>

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<p style="text-align: right;">Page 130</p> <p>1 appreciate you all getting me on the plane, but I</p> <p>2 don't think you all better use that no more. That's</p> <p>3 a bad experience." And he said, "I think you're</p> <p>4 right. I'm going to E-mail them and tell them we</p> <p>5 can't use it."</p> <p>6 Q That was Captain -- that was the Captain?</p> <p>7 A Uh-huh.</p> <p>8 Q Okay. All right. So let's take a break</p> <p>9 there.</p> <p>10 THE VIDEOGRAPHER: The time is 11:40.</p> <p>11 This is the end of Media 2. We are off the record.</p> <p>12 (Off the record 11:40 to 11:55)</p> <p>13 THE VIDEOGRAPHER: The time is 11:55.</p> <p>14 This is the beginning of Media 3. We are back on</p> <p>15 the record.</p> <p>16 Q (By Mr. Comerford) Okay. I'll remind you</p> <p>17 you're still under oath, Ms. White.</p> <p>18 And we've been talking about diabetes</p> <p>19 throughout this morning, and I just want to clarify.</p> <p>20 It's Type II diabetes. Correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. And I also wanted to go through, we</p> <p>23 were talking about the straight back chair that they</p> <p>24 were using --</p> <p>25 A Uh-huh.</p>	<p style="text-align: right;">Page 132</p> <p>1 fallen, I wouldn't have been able to put my hands up</p> <p>2 to protect my face. I would have just probably been</p> <p>3 crushed --</p> <p>4 Q Okay.</p> <p>5 A -- on the -- the thing.</p> <p>6 Q So across your biceps?</p> <p>7 A Uh-huh. Across though here (indicating).</p> <p>8 Q Okay. Indicating your biceps?</p> <p>9 A Uh-huh, across my chest. And then across</p> <p>10 my legs between my thighs and my knees, if I</p> <p>11 remember right. And there were -- there were three.</p> <p>12 There was one on my legs, one through here</p> <p>13 (indicating) and one on my head.</p> <p>14 Q How thick were the straps?</p> <p>15 A I don't remember.</p> <p>16 Q And were they like seat belt material?</p> <p>17 A Kind of.</p> <p>18 Q Okay. And were they tightened?</p> <p>19 A Yeah. They tighten it. There was hooks</p> <p>20 on both sides of the chair, I believe. And they ran</p> <p>21 it through and then pulled it and it had some kind</p> <p>22 of a lock, if I remember right. I think that's how</p> <p>23 it was.</p> <p>24 Q Okay. Could you move?</p> <p>25 A Huh-uh.</p>
<p style="text-align: right;">Page 131</p> <p>1 Q -- the firefighters, and you said that you</p> <p>2 were strapped into the chair. Is that correct?</p> <p>3 A Correct.</p> <p>4 Q Okay. Where did the straps come in</p> <p>5 contact with your body and how many were there?</p> <p>6 A Three straps. My legs, across my chest</p> <p>7 and across my forehead.</p> <p>8 Q Okay. So you were supported from your</p> <p>9 head to your toes?</p> <p>10 A Uh-huh.</p> <p>11 Q Did it curve with your body or was it</p> <p>12 straight?</p> <p>13 A It made an -- like an L and then went down</p> <p>14 like stairs -- you know, it was like that, and then</p> <p>15 that, and then that (indicating). So my back was</p> <p>16 here, my bottom thighs were here, and then it went</p> <p>17 down. And it was like a little metal tubing foot</p> <p>18 rest.</p> <p>19 Q Okay.</p> <p>20 A And so the legs were strapped, the chest</p> <p>21 was strapped and the head was strapped.</p> <p>22 Q Indicating your forehead?</p> <p>23 A Uh-huh, plus my forehead.</p> <p>24 Q And across your shoulder --</p> <p>25 A My chest so that I couldn't -- if we had</p>	<p style="text-align: right;">Page 133</p> <p>1 Q No?</p> <p>2 A No.</p> <p>3 Q What color were the straps?</p> <p>4 A Tan or off-white or something --</p> <p>5 Q Was there a cushion on the seat?</p> <p>6 A No.</p> <p>7 Q Just metal?</p> <p>8 A Just metal.</p> <p>9 Q Okay. After you got to the top of the</p> <p>10 stairs, what did they do next?</p> <p>11 A When we got to the top of the stairs, they</p> <p>12 sat me down and began unhooking me. And that's when</p> <p>13 the stewardess -- I must have been real flushed or</p> <p>14 something, because the stewardess asked me was I</p> <p>15 okay. And I said, "I've got medicine that will help</p> <p>16 me feel better. When I get to my seat, would you</p> <p>17 bring me a glass of water," which she did before we</p> <p>18 ever took off. And I took a blood pressure pill and</p> <p>19 I want to say I took a pain pill, as well, because</p> <p>20 my back was hurting me more at that point.</p> <p>21 Q And that's what I wanted to ask. When you</p> <p>22 woke up that morning, did you feel pain in your</p> <p>23 back?</p> <p>24 A Very minimal.</p> <p>25 Q Between the time you woke up in the</p>

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<p>1 morning and the time you drove to the airport, did</p> <p>2 you feel pain in your back?</p> <p>3 A Same level, very minimal.</p> <p>4 Q Where from one to ten?</p> <p>5 A Two maybe.</p> <p>6 Q Once you got to the airport and you were</p> <p>7 in the waiting area --</p> <p>8 A Uh-huh.</p> <p>9 Q -- were you still feeling pain?</p> <p>10 A (Indicating).</p> <p>11 Q A two?</p> <p>12 A A two.</p> <p>13 Q By the time you were aboard the plane,</p> <p>14 what was the pain level?</p> <p>15 A When I got in the plane --</p> <p>16 Q Right.</p> <p>17 A -- and got to my seat? I would say</p> <p>18 probably a six.</p> <p>19 Q Okay. The crew member that you saw aboard</p> <p>20 the plane, can you -- was it a her?</p> <p>21 A Yes.</p> <p>22 Q Can you describe her for me?</p> <p>23 A I would say she was in her 30s. I don't</p> <p>24 remember what color hair she had. She was probably</p> <p>25 about 5'5"; very friendly and nice. Her interest</p>	<p>1 plane.</p> <p>2 Q And was your seat as you're looking back</p> <p>3 on the right or the left?</p> <p>4 A On the right.</p> <p>5 Q And you had the window seat?</p> <p>6 A And I had a window seat.</p> <p>7 Q And there were two men sitting next to</p> <p>8 you?</p> <p>9 A Yes.</p> <p>10 Q One in the middle seat and one in the</p> <p>11 aisle seat?</p> <p>12 A Right.</p> <p>13 Q Who was in the middle seat?</p> <p>14 A One of the two men. I don't -- all I</p> <p>15 remember about them was I tried to apologize to them</p> <p>16 for delaying us more. And the one next to me got</p> <p>17 headphones out and put them -- he was letting me</p> <p>18 know I have nothing to say to you, lady.</p> <p>19 Q That was the man in the middle seat?</p> <p>20 A That's correct. The other one just kind</p> <p>21 of tried to like -- ignored me. And I thought, you</p> <p>22 know what, don't worry about them. I couldn't do</p> <p>23 nothing to change the situation.</p> <p>24 Q So there was no -- there was no discussion</p> <p>25 with you and those two --</p>
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<p>1 was to get me in my seat, though, as quick as she</p> <p>2 could, because by that time we were now an hour</p> <p>3 late. And I was trying to apologize to the people</p> <p>4 right near the front that could see me. And</p> <p>5 nobody -- normally people will say, "Oh, that's</p> <p>6 okay, you know. We understand." Huh-uh. They were</p> <p>7 mad. We were 30 minutes late getting on the plane;</p> <p>8 then I made us another 30 minutes late. So our</p> <p>9 plane was late getting into Denver.</p> <p>10 Q The race of the crew member, white, black,</p> <p>11 Hispanic --</p> <p>12 A She was Caucasian. I think then on that</p> <p>13 flight there might have been another lady that was</p> <p>14 either Hispanic or very light-skin black.</p> <p>15 Q Another crew member?</p> <p>16 A Uh-huh, another crew member. It seems</p> <p>17 like there were, because when they passed out</p> <p>18 drinks, they both were going through the aisle.</p> <p>19 Q What seat were you placed in?</p> <p>20 A I don't remember. It would have been</p> <p>21 either an aisle seat or -- no, it was a window seat.</p> <p>22 And there were two men sitting in the seat with me.</p> <p>23 Q So it was -- when you get on the plane, is</p> <p>24 it two and three, three and three, something else?</p> <p>25 A I think it was three and three on that</p>	<p>1 A No.</p> <p>2 Q -- individuals?</p> <p>3 A Not at all.</p> <p>4 Q How far back -- what row were you in?</p> <p>5 A I don't remember. But we were not very</p> <p>6 far back.</p> <p>7 Q First five?</p> <p>8 A Probably so. I -- I'm sure I could look</p> <p>9 it up if you need to know exactly, because I have a</p> <p>10 copy of my flight.</p> <p>11 Q That would be helpful.</p> <p>12 A Okay.</p> <p>13 Q You were in your ticketed seat?</p> <p>14 A Yes.</p> <p>15 Can I ask Joel a question?</p> <p>16 Q If you want to -- I don't need anything</p> <p>17 right now --</p> <p>18 A Okay.</p> <p>19 Q -- but if you want to ask him a question,</p> <p>20 of course you can. You can guys might want to leave</p> <p>21 the room --</p> <p>22 A No. It was --</p> <p>23 MR. LEVINE: Just keep it in your</p> <p>24 head and at the next break we'll --talk about it.</p> <p>25 THE WITNESS: Okay.</p>

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<p>1 MR. LEVINE: -- we'll talk about it.</p> <p>2 THE WITNESS: Okay.</p> <p>3 Q (By Mr. Comerford) Okay. Did you make</p> <p>4 any complaints to the crew members about any pain?</p> <p>5 A Yes, I did. I told the lady who brought</p> <p>6 me the water that I was in a lot more pain than I</p> <p>7 had been in. And she said, "I'm sorry. Do you have</p> <p>8 medicine to help you?" And I said, "Yes, I do."</p> <p>9 And so I took -- I want to say I took two Tramadol.</p> <p>10 Q Besides the two firefighters, did anyone</p> <p>11 else -- well, when you were getting carried up the</p> <p>12 stairs, was the shuttle bus still there?</p> <p>13 A It started leaving right as -- as we</p> <p>14 started up. That's when my -- the young lady handed</p> <p>15 my backpack to the gentleman with the reflective</p> <p>16 shirt. I -- I think he was the one that does the</p> <p>17 stuff with the lights or whatever they call it --</p> <p>18 Q Uh-huh.</p> <p>19 A -- and helps the plane get out.</p> <p>20 Q Ground crew?</p> <p>21 A Uh-huh.</p> <p>22 Q The woman who was your wheelchair</p> <p>23 attendant --</p> <p>24 A Uh-huh.</p> <p>25 Q -- she got back on the shuttle bus when it</p>	<p>1 when I still sitting, they were unbuckling my</p> <p>2 straps, because she asked me, "Ma'am, are you okay?"</p> <p>3 And I said, "I'll be fine. I'm going to need a cup</p> <p>4 of water, though, to take some medicine."</p> <p>5 Q Did they do that on the stand or inside</p> <p>6 the plane or somewhere else, the firefighters?</p> <p>7 A Do what?</p> <p>8 Q Unstrap you?</p> <p>9 A They unstrapped me inside the plane. You</p> <p>10 know that area that the passengers walk in and if</p> <p>11 you walk straight across that's normally --</p> <p>12 Q Yeah.</p> <p>13 A -- where they have their drinks and</p> <p>14 whatever? I was in front of the passengers, but</p> <p>15 sideways.</p> <p>16 Q Got you.</p> <p>17 Okay. Did anything change in the way you</p> <p>18 felt during the flight?</p> <p>19 A Well, it did after a bit. The medicine</p> <p>20 started helping relieve some of the back pain.</p> <p>21 Q Did you say anything to the firefighters</p> <p>22 about wanting to file a report, that you thought --</p> <p>23 A No.</p> <p>24 Q -- you might have been injured?</p> <p>25 Did you say anything to the crew members</p>
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<p>1 left?</p> <p>2 A Excuse me. Yes, with the wheelchair.</p> <p>3 Q Okay. Besides the two firefighters do you</p> <p>4 know of anyone else who would have seen you getting</p> <p>5 carried up the stairs?</p> <p>6 A Every passenger that was on that window</p> <p>7 side.</p> <p>8 Q Okay. Possibly.</p> <p>9 Do you -- do you know if they did?</p> <p>10 A Oh, I would think most of them would be</p> <p>11 looking to see what was delaying us even further,</p> <p>12 because there was a 30-minute delay before we</p> <p>13 started trying to get me up into the airplane.</p> <p>14 Q Right.</p> <p>15 A So by that point -- by the time they got</p> <p>16 me in there, I was in my seat and we started backing</p> <p>17 out, we were an hour late.</p> <p>18 Q Did the crew member that you first spoke</p> <p>19 to, did she -- do you have any reason to know if she</p> <p>20 saw you -- this happen or not?</p> <p>21 A I don't know. I mean, if she was standing</p> <p>22 at the door she would have seen what was going on.</p> <p>23 Q Did you first see her when you were in</p> <p>24 your seat or when you were at the door?</p> <p>25 A I first saw her when I got stood up -- no,</p>	<p>1 that you think you might have been injured?</p> <p>2 A I -- I just told that stewardess that my</p> <p>3 back was hurting more than when I got on the plane.</p> <p>4 Q Okay. How long was the flight?</p> <p>5 A The flight's usually two hours to Denver.</p> <p>6 Q And that's what --</p> <p>7 A I --</p> <p>8 Q -- you remember it?</p> <p>9 A Uh-huh. I think we were supposed to</p> <p>10 arrive at 8:30 or 8:35 and we didn't get there until</p> <p>11 9:30 or 9:35. And the lady -- the attendant that</p> <p>12 pushed my wheelchair in the Denver airport, she was</p> <p>13 really a nice lady. She told me that Frontier had</p> <p>14 just let all of their employees go. They were</p> <p>15 trying to cut costs so they could be really cheap</p> <p>16 airfares and that she had worked for them for</p> <p>17 14 or 15 years. And she was one -- I mean, she was</p> <p>18 laid off with the rest of them. And I was like,</p> <p>19 "Oh, no." And she said, "Well, it's okay. The</p> <p>20 airport hired most of us, because it was a service</p> <p>21 that's needed. We now work for the airport." And</p> <p>22 she said -- because I said, "Well, that's strange,</p> <p>23 because the lady in Austin was through a temporary</p> <p>24 agency or something." She said, "Yeah, that's where</p> <p>25 some of them come from or the airport takes on and</p>

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<p>1 hires them."</p> <p>2 Q And this is who took you off the plane or</p> <p>3 met you at the plane?</p> <p>4 A That met -- she met me at the plane in</p> <p>5 Denver, and we were talking about -- because I was</p> <p>6 really unsteady when I got off that plane. My back</p> <p>7 was hurting a lot more, of course, than it was when</p> <p>8 I -- when I started. And she was just really kind</p> <p>9 and trying to offer any suggestions she could think</p> <p>10 of to make me feel better. And I said, "Well,</p> <p>11 it'll -- it'll stop in a while." But it was still</p> <p>12 hurting when my son picked me up.</p> <p>13 Q When you took the flight for the</p> <p>14 graduation to Pocatello, how long is that flight to</p> <p>15 Salt Lake City and then Pocatello?</p> <p>16 A Actually, it's two hours and five minutes.</p> <p>17 And then you go -- you have about 45 to 55-minute</p> <p>18 delay. You're taken downstairs, and they board you</p> <p>19 from the -- the tarmac. They're smaller planes, but</p> <p>20 they have a ramp.</p> <p>21 Q Okay. Have you ever been carried upstairs</p> <p>22 like that --</p> <p>23 A No.</p> <p>24 Q -- to board a plane?</p> <p>25 A No. And I would never do it again.</p>	<p>1 A When I first got up, right.</p> <p>2 Q Okay. All right. Once you landed, who</p> <p>3 picked you up?</p> <p>4 A Chris and Samantha, my granddaughter.</p> <p>5 Q And how did you get from the plane to</p> <p>6 Chris?</p> <p>7 A Wheelchair.</p> <p>8 Q And that was the agent you were talking</p> <p>9 about?</p> <p>10 A Right. The lady who had worked for them</p> <p>11 for 14 or 15 years.</p> <p>12 Q Can you describe her for me?</p> <p>13 A She was an older woman. Her hair color</p> <p>14 was about the color of the lady sitting next to you,</p> <p>15 about her hair color.</p> <p>16 Q Okay.</p> <p>17 A And it was kind of long and -- and wavy</p> <p>18 and she had it pulled back with a -- some kind of a</p> <p>19 clasp or some ponytail holder.</p> <p>20 Q And race?</p> <p>21 A She was Caucasian.</p> <p>22 Q Did she have any signage or writing on her</p> <p>23 clothes?</p> <p>24 A I don't honestly remember.</p> <p>25 Q Was she wearing a badge?</p>
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<p>1 Q After a flight to Pocatello when you went</p> <p>2 to graduation, did you feel that instability when</p> <p>3 you were getting off the plane?</p> <p>4 A From -- I'm sorry?</p> <p>5 Q When you took the flight the month</p> <p>6 before --</p> <p>7 A Okay.</p> <p>8 Q -- out for the graduation --</p> <p>9 A Okay.</p> <p>10 Q -- after a two hour and so flight --</p> <p>11 A Right.</p> <p>12 Q -- would you feel --</p> <p>13 THE REPORTER: Guys, huh-uh.</p> <p>14 Q Once you would take a flight for two-plus</p> <p>15 hours like that would you feel instability as you</p> <p>16 were getting off the plane?</p> <p>17 A Any time I first stand up, I'm unstable.</p> <p>18 My -- my back's got to, I guess, get back into a</p> <p>19 position that it's comfortable. And I'm sure I felt</p> <p>20 some unstableness, but nothing like it was when I</p> <p>21 got off the flight of Frontier that day I was going</p> <p>22 to Estes Park -- or to Denver.</p> <p>23 Q Okay. But when you took the flight for</p> <p>24 the graduation you would have felt instability when</p> <p>25 you got up --</p>	<p>1 A She had some kind of a badge holder, yeah.</p> <p>2 Q Did she take you all the way to the car?</p> <p>3 A Yes, she did.</p> <p>4 Q Okay. Once you got outside and saw Chris,</p> <p>5 what was your conversation with him?</p> <p>6 A He -- he knew right away when he looked at</p> <p>7 me that something was wrong with -- and he said,</p> <p>8 "Mom, what's the matter?" And I said, "Oh, my back</p> <p>9 is hurting a lot more than it was." He said, "Well,</p> <p>10 I thought you are feeling pretty good for the</p> <p>11 flight." And I said, "Well, I was, but I'm not</p> <p>12 now." And as we were going to his house in Fort</p> <p>13 Collins, I started telling him what happened. And</p> <p>14 he asked me if I wanted to stop and eat something</p> <p>15 and walk around, and I said that sounded good. But</p> <p>16 it was so late, there wasn't that much open. They</p> <p>17 close early up there. And we stopped at a Popeye's</p> <p>18 Chicken right next to the interstate. And while was</p> <p>19 ordering the food and waiting on it and they got it</p> <p>20 set up, the table, I was out front just walking</p> <p>21 around.</p> <p>22 Q Okay. Well, when was the first time you</p> <p>23 sought treatment after the incident?</p> <p>24 A Think it was a couple of weeks, because</p> <p>25 the medicine would start helping and then as it</p>



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<p style="text-align: right;">Page 146</p> <p>1 would wear off it would start being more painful 2 again. And Dr. Le is sometime [sic] very hard to 3 get an appointment. It has to be a real emergency, 4 or I see Dr. Guerra and she tells him that it's an 5 emergency and then he will see me immediately. 6 I think it was a couple of weeks, though, 7 because I already had -- the only thing I didn't 8 have was an injection. And so May, June, July, 9 would be the earliest -- end of July that I could 10 have it. It has to be three months. 11 Q Did any treater -- any of your medical 12 treaters tell you that you had a different injury as 13 related to that day? 14 A Dr. Le ordered MRIs of my back. And at 15 that point I was starting to complain about my neck, 16 and he said, "I'll order some of your -- of -- of 17 your shoulder." And I said, "No, Dr. Le. It's my 18 neck, not my shoulder." And he said, "It's your -- 19 it's your neck." And I said, "No." And he said, 20 "Okay. I'll order your shoulders, too, but it's 21 going to be your neck." And he was right about it. 22 My disc No. 5 was pushing into my spinal 23 cord and it had made a C. And so Dr. Le called me 24 and said, "I'm referring you to a surgeon." That's 25 the first time anyone had ever discussed me going to</p>	<p style="text-align: right;">Page 148</p> <p>1 heart -- ultrasound of my heart or something that 2 would show all four sides. And he said, "If one of 3 them isn't beating, you've had that heart attack." 4 I said -- he said, "But I don't believe you have." 5 And I said, "I don't believe I have, either." And 6 so he got to clear me, because I did not have a 7 heart attack. I've had a heart murmur since birth, 8 and as I'm getting older, it's getting a little bit 9 louder. And so I guess these heart doctors at that 10 hospital assumed that I've had a silent heart 11 attack. 12 Q Okay. I understand you say that you had 13 not been recommended for surgery before -- 14 A No. 15 Q -- my question was a little different. 16 And even if you know where I'm going, just 17 let me finish. 18 A Okay. 19 Q My question was has any treater told you 20 that your injury was caused by you being carried up 21 the stairs that day? That a specific injury was 22 caused by you being carried up the stairs that day? 23 A No. The order of events just irritated an 24 already problem that I had. I -- you know, I've 25 said all along, I've had this for a long time. And</p>
<p style="text-align: right;">Page 147</p> <p>1 see a surgeon. But my back was just steadily 2 increasing. 3 So I went to see Dr. Madera maybe the end 4 of July or first of August. And she started -- I 5 had to get clear -- medical clearance from 6 Dr. Guerra and then they wanted -- I had a dentist 7 appointment right around that time, and so they 8 wanted clearance from the dentist. Well, then 9 this -- Dr. Le's ultrasound -- EKG was not working. 10 They had sent it off to the shop or something, so 11 they sent me to Austin Heart Hospital. And the girl 12 came in and said that my -- my heart -- I'd had a 13 silent heart attack. That's what she said, and I 14 said, "I don't think so." And she said, "Well, the 15 doctor wants to see you." And I said, "I have my 16 own heart doctor," because Dr. Guerra had sent me to 17 Dr. Madera -- I mean, doctor -- oh, what's his name? 18 It's like Madera. I'll think of it in a minute, but 19 my heart doctor. And I said, "I'll go see him." 20 Well, the next -- by the time I got out of 21 there, it was after 5:00. So the next day when I 22 called, he had just left for vacation that day. And 23 I wasn't going to go see anybody else, because I 24 knew I had not had any kind of a heart attack. So I 25 had to wait until he came back. And he did a</p>	<p style="text-align: right;">Page 149</p> <p>1 I think it just irritated it and made it worse. And 2 I don't know if it was specifically the carrying up 3 the stairs or get into my seat or getting off the 4 plane or get onto the plane. I don't -- I don't 5 know which. I just know that when I got off the 6 plane -- I mean, off the seat to get into the -- off 7 the rescue seat to get into my regular seat to be 8 able -- for us to leave I was in a lot more pain 9 than I had been when I was sitting in a wheelchair 10 on the tarmac. 11 So no doctor had ever pinpointed that that 12 was it. It just made it -- it irritated it. The 13 whole situation did. 14 That's why I always -- when I buy a 15 ticket, I normally -- I get -- I normally always get 16 a handicap that I can't climb stairs. And this one 17 was no exception. The -- for whatever reason, 18 whether it was a test run or they really were out of 19 chutes, but I saw empty chutes there that day, they 20 didn't follow what they normally do. I normally 21 just get wheeled right to that little bridge walk 22 and go across it, get into the plane, get on my seat 23 and sit down. 24 Q Okay. Besides the injuries to your back, 25 what other -- injuries to your back and to your</p>

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<p style="text-align: right;">Page 150</p> <p>1 neck, what other injuries are you claiming as a</p> <p>2 result of being carried up the stairs?</p> <p>3 A Well, none. I'm saying that it irritated</p> <p>4 them to the point that after I got back and I</p> <p>5 started seeing the doctors, I had to go see a back</p> <p>6 surgeon. And the back surgeon -- because I was in</p> <p>7 so much pain it just -- it was like daily, the pain</p> <p>8 just got worse and worse. They did -- they chose to</p> <p>9 do the back first. And they were going to do the</p> <p>10 neck five weeks later, but I caught a cold and so</p> <p>11 they had to reschedule it to the 22nd of December.</p> <p>12 Q Okay. But besides your neck and your</p> <p>13 back, are there any other injuries you're claiming</p> <p>14 as a result --</p> <p>15 A No.</p> <p>16 Q -- of the incident?</p> <p>17 So you don't have any claims about your</p> <p>18 eyes or cataracts. Is that correct?</p> <p>19 A Oh, I forgot about that.</p> <p>20 Q Okay.</p> <p>21 A Supposedly the steroid injections cause</p> <p>22 cataracts. And the way I know this is I went for my</p> <p>23 annual eye appointment, and the doctor told me I had</p> <p>24 a small cataract. And so I needed to go to this</p> <p>25 specialist. And -- sorry. I'm going to have to</p>	<p style="text-align: right;">Page 152</p> <p>1 cataracts explain a correlation between your</p> <p>2 diabetes and the issues with your eyes?</p> <p>3 A They said that that can happen, but</p> <p>4 because I've been having so many steroid injections</p> <p>5 they would say that's what was causing it. And I</p> <p>6 didn't have a choice about the injections. The pain</p> <p>7 was horrible before they finally got me to surgery.</p> <p>8 It -- my surgery was canceled five different times.</p> <p>9 Q Okay. And this is from The Texas</p> <p>10 Retina --</p> <p>11 A Uh-huh.</p> <p>12 Q -- Clinic?</p> <p>13 A Was it Dr. Nowlin, I think, might have</p> <p>14 been his name.</p> <p>15 Q Okay. Besides your neck, your back and</p> <p>16 your eyes, any other injuries that you claim are</p> <p>17 related to the day of the incident?</p> <p>18 A No.</p> <p>19 Q All right. Okay. Stephanie Tucker,</p> <p>20 Department of Aviation, do you know who that is?</p> <p>21 A I think she's the lady who E-mailed me</p> <p>22 mid-July and said that the City of Austin had now</p> <p>23 acquired a chair lift to use on handicapped</p> <p>24 passengers to get them onto the plane.</p> <p>25 Q How had you originally gotten in touch</p>
<p style="text-align: right;">Page 151</p> <p>1 take a drink.</p> <p>2 So I had to see a specialist, and they got</p> <p>3 me set up with an appointment. I can't remember his</p> <p>4 name. And he did all these tests on my eyes and</p> <p>5 said not only did I have one, I had two, and they're</p> <p>6 caused from the steroid injections. And they were</p> <p>7 real small, and he didn't recommend surgery at that</p> <p>8 time. But I had something else going on that</p> <p>9 required me to have a shot in my eye, and I had that</p> <p>10 done at that doctor's office. He didn't bother to</p> <p>11 inform me up front that I would be seeing black --</p> <p>12 black spots or little dots the size of a pen just</p> <p>13 all over that right eye. It was so bad. I was</p> <p>14 having -- I was having better luck just covering my</p> <p>15 right eye and just using my left eye to see with.</p> <p>16 So I changed doctors. I figured if you couldn't be</p> <p>17 up front to tell me I was going to have this -- and</p> <p>18 he said, "Oh, it's normal. Everybody gets them."</p> <p>19 Well, I still had them a year later.</p> <p>20 That, to me, wasn't normal.</p> <p>21 Q You were getting steroid injections before</p> <p>22 the date of the incident. Correct?</p> <p>23 A Yes. They're the only thing that helps</p> <p>24 relieve the pain when it becomes extremely intense.</p> <p>25 Q Did any of your treaters for your</p>	<p style="text-align: right;">Page 153</p> <p>1 with her?</p> <p>2 A I wrote an E-mail before I flew back to</p> <p>3 the City Manager's Office, somebody in Aviation - it</p> <p>4 might have been her - and to Frontier that I did not</p> <p>5 want -- I would not be carried off the plane on that</p> <p>6 rescue chair. That was not going to happen; that</p> <p>7 they need to make sure that the flight I was coming</p> <p>8 in on - and I gave them the information - was going</p> <p>9 to a chute. I just couldn't handle that again.</p> <p>10 Q Did you go for any treatment while you</p> <p>11 were in Colorado?</p> <p>12 A No. I just did nothing other than I went</p> <p>13 out to eat with them once.</p> <p>14 Q Okay. From your time with the City of</p> <p>15 Austin and from TxDOT, did you know any individuals</p> <p>16 that you reached out to about what had happened?</p> <p>17 A I might have told my friend Sheila. She's</p> <p>18 a supervisor in Accounting. Oh, I did tell my</p> <p>19 friend John Carney (phonetic). He was -- TxDOT</p> <p>20 split the -- in 2009, they had the vehicle section</p> <p>21 where they get your -- you can -- they -- they</p> <p>22 run -- they make the license -- they don't make the</p> <p>23 license plates. They're made and then they send</p> <p>24 them out to whoever needs a license plate. And then</p> <p>25 we had the administrative section publication, H.R.</p>

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<p>1 So they split in 2009. I worked very closely with a</p> <p>2 man named John Carney for years there. And he -- I</p> <p>3 told him what happened. Now, he has since retired</p> <p>4 the last year or two. But I still -- I still talk</p> <p>5 to him. We still keep in touch, because he talks to</p> <p>6 the people that are still working there where he was</p> <p>7 at and the people I know. And, you know, he kind of</p> <p>8 updates me on what's going on.</p> <p>9 Q C-A-R-N-E-Y?</p> <p>10 A Uh-huh. C-A-R-N-E-Y.</p> <p>11 Q And is he -- what I meant was basically</p> <p>12 for them to do something about it?</p> <p>13 A Oh, no.</p> <p>14 Q Okay. Jim Smith, Executive Director of</p> <p>15 Aviation?</p> <p>16 A I've never heard of him.</p> <p>17 Q Okay. These are people that are listed as</p> <p>18 witnesses with some sort of evidence or some sort of</p> <p>19 knowledge about what happened. So that's why I'm</p> <p>20 running them by you --</p> <p>21 A Okay.</p> <p>22 Q -- if the names mean anything to you.</p> <p>23 Patty Edwards --</p> <p>24 A No.</p> <p>25 Q -- from Aviation?</p>	<p>1 Regulation. One was I should have been boarded</p> <p>2 before anybody else or other than the people who</p> <p>3 were in that area with me. I -- let's see. What</p> <p>4 else was it? I should have been boarded.</p> <p>5 And I don't remember what the other two</p> <p>6 were. But there's two of them. I'm sure you've got</p> <p>7 that information, because I've given it to Joel.</p> <p>8 And it's been in one of those packs that I just did</p> <p>9 this week --</p> <p>10 Q You're --</p> <p>11 A -- stating the things that Frontier had</p> <p>12 violated.</p> <p>13 MR. HEPWORTH: Objection;</p> <p>14 nonresponsive.</p> <p>15 Q You're referring to an E-mail that was</p> <p>16 from Frontier to you. Is that what you're saying?</p> <p>17 A That's correct.</p> <p>18 Q Okay. As far as your treaters I'm just</p> <p>19 going to list them, and tell me if these are people</p> <p>20 you treated with.</p> <p>21 Paul Le?</p> <p>22 A Yes.</p> <p>23 Q Inspire Health?</p> <p>24 A Yes.</p> <p>25 Q That's Dr. Guerra?</p>
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<p>1 A No.</p> <p>2 Q Susanna Carbajal?</p> <p>3 A No.</p> <p>4 Q Robert Mercado?</p> <p>5 A Now, when I wrote to the Mayor's Office --</p> <p>6 I thought his last name was Cortez. Is he listed at</p> <p>7 Aviation or at the Mayor's Office?</p> <p>8 Q I think there's a different individual</p> <p>9 named Cortez.</p> <p>10 A Okay. No, I don't know that person then.</p> <p>11 Q Judy Wallace?</p> <p>12 A No.</p> <p>13 Q Okay. For treaters I just kind of what</p> <p>14 to --</p> <p>15 A So they're saying that they witnessed this</p> <p>16 situation?</p> <p>17 Q No. You're saying that they're</p> <p>18 individuals that might have knowledge about --</p> <p>19 A Oh, okay. Right. Because after I wrote</p> <p>20 to Frontier about putting me -- or having our plane</p> <p>21 pull up to the chute since they didn't apparently</p> <p>22 have equipment to handle a wheelchair, they let me</p> <p>23 know at that point in time that they had -- Frontier</p> <p>24 had broken two of the Federal DOT Rules and</p> <p>25 Regulations. And it also might include an ADA</p>	<p>1 A That's her offices.</p> <p>2 Q Austin Pain Associates?</p> <p>3 A Right.</p> <p>4 Q Is that doctor --</p> <p>5 A That's Dr. Le --</p> <p>6 THE REPORTER: Guys, guys.</p> <p>7 THE WITNESS: I'm sorry.</p> <p>8 THE REPORTER: That's okay. Austin</p> <p>9 Pain Associates, you said. Right?</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. COMERFORD: Yeah.</p> <p>12 Q (By Mr. Comerford) Seton Medical Center</p> <p>13 of Austin?</p> <p>14 A Yes.</p> <p>15 Q Longhorn Emergency Medical?</p> <p>16 A I don't know who those are.</p> <p>17 Q Okay. Cedar Park Surgery?</p> <p>18 A Yes.</p> <p>19 Q Austin Radiological Associates?</p> <p>20 A Yes.</p> <p>21 Q Austin Brain And Spine?</p> <p>22 A Yes.</p> <p>23 Q University Medical Center Brackenridge?</p> <p>24 A Yes.</p> <p>25 Q Austin Diagnostic Clinic?</p>

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1	A Yes.	1	these are 4-milligram pills, so when I cut them in
2	Q Had Dr. Le given you a TENS machine?	2	fourth, I'm hoping that I'm getting 1-milligram of
3	A Yes, he did.	3	each.
4	Q What is a TENS machine?	4	Q All of those medications you just named
5	A Oh, you can set it and it sends various	5	from Dr. Guerra are medications you were on prior to
6	like electronic signals to your back. But it never	6	the day of the incident. Correct?
7	helped me. I never felt nothing at all.	7	A Yes.
8	Q That was before the incident. Correct?	8	Q And Hydromorphone was a medication you
9	A Yes.	9	were on prior to the day of the incident. Correct?
10	Q Okay. All right. Carus Dental?	10	A Right. He gave me that that April.
11	A Oh, that's where I had -- I had broken a	11	Q How often do you see Dr. Le?
12	tooth and I didn't -- I -- I chewed a hard candy,	12	A Usually every couple of months or every
13	and I should have known about this. I had it happen	13	three or four months.
14	to me years ago. It split my tooth in half. They	14	Yesterday I was going to see him, but I
15	can't fix that.	15	had to reschedule. My allergies -- I thought I was
16	Q Let me stop you.	16	catching a cold. And he wouldn't have given me
17	You don't have any claims about your teeth	17	anything anyway with a cold. So I just rescheduled
18	related to this incident. Right?	18	it to January.
19	A No.	19	Q Who referred you to Dr. Madera?
20	Q Okay.	20	A Dr. Le did.
21	A But it was on your list.	21	Q Why?
22	Q Yeah.	22	A Because my back was so bad at that point
23	Cedar Park Regional Hospital?	23	he knew I needed surgery.
24	A Yes.	24	Q And when was the surgery completed?
25	Q Emergency Physicians of Central Texas?	25	A The first one was October the 20th --
<b>Page 159</b>		<b>Page 161</b>	
1	A I don't know who they are.	1	Q Of --
2	Q St. David's North Austin Medical Center?	2	A -- that was on my back.
3	A Yes.	3	Q -- 2016?
4	Q Texas Retina Institute?	4	A Yes -- no -- yeah. Was it '16? No. It
5	A Yes.	5	was '15.
6	Q Okay. Let's see here.	6	Q So four months after the incident?
7	All right. How often would you say you've	7	A (Witness nods head.)
8	seen Dr. Guerra for these injuries since the	8	And the reason it was so long was I had to
9	incident?	9	get that clearance from the dentist, the heart
10	A Oh, my goodness. How often? I would say	10	doctor. And it just never seemed to stop.
11	once every three or four months or I'd call her	11	Then once her office canceled. But all
12	office and tell them what's going on. And either	12	the other three times they canceled, because I had
13	they tell me to come in or they'll send me something	13	to go to different doctors.
14	out.	14	Q Were any of those delays related to your
15	Q And what does she do for your injuries?	15	diabetes?
16	A She -- she's the one who has prescribed	16	A No.
17	the Tramadol, the Cyclobenzaprine, the cream, the	17	Q Were you ever told by any of the treaters
18	patches that she ordered from a special place out of	18	that you weren't controlling your diabetes?
19	Dallas, Meloxicam. The only thing that Dr. Le gives	19	A No.
20	me is the Hydromorphone, but sometime those things	20	Q Your neck, was that also Dr. Madera?
21	make me sick at my stomach, so the pain has to be	21	A Yes.
22	really bad for me to -- and I only take -- I take a	22	Q And when was that surgery?
23	quarter of a piece at a time. I'm like, okay, let	23	A December the -- okay. October the 20th
24	me try this quarter and if it helps, then I'm good.	24	was the back. December 22nd was the neck.
25	If not, I'll take another quarter of the pill. And	25	Q And that's six months after?



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<p>1 A No. October the 20th to December 22nd is 2 November -- two months.</p> <p>3 Q Six months after the incident?</p> <p>4 A Oh, I didn't hear you say the incident.</p> <p>5 Q I didn't say it.</p> <p>6 A Oh, okay.</p> <p>7 Q Six months after the incident. Correct?</p> <p>8 A Correct.</p> <p>9 Q Since those surgeries, have you seen a 10 change in your pain levels?</p> <p>11 A Yes. They greatly improved. They're 12 slowly starting back up. And Dr. Madera did tell me 13 that I need an additional surgery on my back for 14 disc fusion on Discs 3, 4 and 5, and then I need 15 disc fusion on Disc 3 in my neck.</p> <p>16 Q And when did Madera tell you that?</p> <p>17 A Oh. The last few times I've seen her. 18 She tried to send me to a therapy place. And after 19 going there five times, I was just -- it was hurting 20 me. The therapist E-mailed Dr. Madera and said that 21 the therapy wasn't helping me; it was just hurting 22 me. And so Dr. Madera's office called me, and I 23 said, "Well, I'm just not quite ready to go through 24 all that surgery again. I'll let you all know when 25 the pain is to the level I can't take it."</p>	<p>1 thing that he does when I go to surgery. He -- 2 he'll do that in his office. It's just a much 3 smaller amount. And it makes a difference. It 4 helps considerably.</p> <p>5 Q Have you had any falls or incidents where 6 you've injured your back or neck since the day of 7 the flight?</p> <p>8 A No. I've fallen, but I -- I injured my 9 knees once. And every time I fall, I have to go to 10 the hospital, and they have to perform MRIs there.</p> <p>11 Q So how many times have you fallen --</p> <p>12 A Oh.</p> <p>13 Q -- since the incident?</p> <p>14 A Let's see. I fell twice in the fall, like 15 late August or September.</p> <p>16 Q Of this year?</p> <p>17 A Yeah. And that's when Dr. Le started 18 giving me those injections in the office.</p> <p>19 I -- I -- I don't know. I would say, oh, 20 I fell twice at -- going to open the front door. 21 That one hurt my head. I fell backwards. We're 22 taking the carpet out, because we're going to put 23 wooden floors in. And I fell straight back. And 24 they could see -- Dr. Le could see in my head how 25 close it was to actually cracking the top of my head</p>
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<p>1 Q So what year did Madera say you needed 2 that additional surgery?</p> <p>3 A In 2017.</p> <p>4 Q Okay. And there's no set date to do it 5 right now. Is that correct?</p> <p>6 A That's correct.</p> <p>7 Q Did Dr. Madera ever say that the injuries 8 to your back or your neck were caused by you getting 9 carried up the stairs that day?</p> <p>10 A No. She never said that. She just said 11 that that situation made my back worse. And it -- 12 it went down really fast, because by August I was 13 almost ready to beg them to take me to surgery. 14 They just couldn't until she got the clearance.</p> <p>15 Q Okay. Since the incident how many steroid 16 injections have you received?</p> <p>17 A Oh, well, Lord. Well, I would have had a 18 small one yesterday had I gone. And I had one two 19 months ago. Since I started on these blood 20 thinners, Dr. Le has said that it's going to affect 21 me going to surgery for the injections, and that 22 we'll just have to do the small injection with a 23 little bit of something on the side -- whatever else 24 they give me in that injection beside the steroid, 25 there's something else. There's two things in the</p>	<p>1 open, because all the blood had come there. He said 2 it was extremely close the -- this last time and 3 then --</p> <p>4 Q When was that?</p> <p>5 A Not long ago. Last -- this -- this last 6 year some time. He gave me steroid injections at 7 surgery for that one.</p> <p>8 Q Where in your body, I mean?</p> <p>9 A In my back.</p> <p>10 Q Did he say you had injured your back in 11 that fall?</p> <p>12 A In the one recently? No.</p> <p>13 Q Well, no. The one where he was giving you 14 steroid injections in your back --</p> <p>15 A Right.</p> <p>16 Q -- was that due to the fall?</p> <p>17 A No. He was giving me that because of the 18 pain. But the back is already injured. It's been 19 injured for a long time. It's just certain 20 situations increase it, the injury.</p> <p>21 Q Okay. Let's see. Do you have any 22 outstanding medical bills, or have they all been 23 covered one way or another?</p> <p>24 A No. I have outstanding medical all over 25 town.</p>



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<p>1 Q Do you have an idea what the total is?</p> <p>2 A Right now? Three or \$4,000 maybe. The</p> <p>3 only two places I don't have outstanding medical is</p> <p>4 with Dr. Le's office or Dr. Guerra's office.</p> <p>5 Q Has your insurance covered the rest?</p> <p>6 A They've covered some of it. Like even now</p> <p>7 some of my sit -- my payments are covered by the</p> <p>8 Medicare with the Blue Cross secondary. They're</p> <p>9 still sending me a bill. It might be for \$10. It</p> <p>10 might be 20. It might be \$70. It's like it doesn't</p> <p>11 make sense, these bills -- they don't make sense to</p> <p>12 me.</p> <p>13 Now I've got two insurances and I'm still</p> <p>14 getting bills, you know. That doesn't make sense.</p> <p>15 Q Do you have any out-of-pocket expenses</p> <p>16 meaning --</p> <p>17 A Oh, yeah.</p> <p>18 Q -- money you had to expend because of --</p> <p>19 A Oh, gosh, yeah. I --</p> <p>20 Q Hold on a second. Because of the</p> <p>21 incident? Go ahead.</p> <p>22 A I'm sorry. Yes, I do. I -- every time</p> <p>23 I'd go to surgery it was two or \$300 or almost 400.</p> <p>24 Every MRI I take, it's a 100-dollar deductible. And</p> <p>25 then once they get the PET scan with the MRI to look</p>	<p>1 Q And is that different than the pain you</p> <p>2 would feel before the incident on the flight stairs?</p> <p>3 A Yes. It is different.</p> <p>4 Q How?</p> <p>5 A Before that happened, I'd have just this</p> <p>6 burning pain that we could control a lot better.</p> <p>7 Now with this other pain, it's maybe it will control</p> <p>8 it and maybe it won't with the medications.</p> <p>9 The steroids help it immensely. The only</p> <p>10 place that Dr. Le has not given me steroids is in my</p> <p>11 neck, and I don't think he would be willing to do</p> <p>12 that. I think he'd send me to Dr. Madera for her to</p> <p>13 do the surgery.</p> <p>14 Q Okay. Since June 10 of 2015, have you</p> <p>15 taken any flights, gone on any vacations, traveled</p> <p>16 anywhere?</p> <p>17 A I've been -- okay. Since then?</p> <p>18 Q Right.</p> <p>19 A Maybe the -- oh, yeah. I did go on -- on</p> <p>20 a flight. I want to say the end of August of 2016,</p> <p>21 and the end of August again - and both of these were</p> <p>22 two weeks to Pocatello - for 2017. And then I took</p> <p>23 a flight in May of 2017 to Pocatello. My grandson</p> <p>24 up there graduated.</p> <p>25 Q Okay. So those are three trips. Is that</p>
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<p>1 at my neck to see how bad that disc was in the</p> <p>2 spinal cord, and that was \$100, as well. So it was</p> <p>3 \$200 that day. I -- I've paid out of pocket a lot.</p> <p>4 I know one year with my income tax -- not last year,</p> <p>5 but year before last -- I had over \$2,000 in medical</p> <p>6 after I got to that point of, you know, you have to</p> <p>7 pay so much of it. And then after that then they</p> <p>8 start letting you -- well, I got back \$2,000 of it,</p> <p>9 because it was so high.</p> <p>10 Q Do you have a rough idea of what your</p> <p>11 total out of pocket would be?</p> <p>12 A Oh, my. I would just say four or 5,000,</p> <p>13 maybe.</p> <p>14 Q As you sit here today, do you have any</p> <p>15 physical complaints?</p> <p>16 A My back is bothering me. When I stand up,</p> <p>17 I have to stand for just a moment until I start</p> <p>18 moving it.</p> <p>19 Q Where is the pain?</p> <p>20 A My lower back.</p> <p>21 Q And can you describe it for me?</p> <p>22 A It's -- it's not a burning pain. It's</p> <p>23 like a dull pain that just doesn't go away. And I</p> <p>24 guess it's irritating my neck, as well, because I'm</p> <p>25 feeling the same type pain about midway up my neck.</p>	<p>1 right?</p> <p>2 A Right. I took one this year just to go</p> <p>3 and visit -- well, my son had foot surgery. And I</p> <p>4 couldn't really do nothing for him other than keep</p> <p>5 him company, but it gave us a lot of visit time,</p> <p>6 which we don't get to do so much, because he lives</p> <p>7 so far away.</p> <p>8 Q What month was that?</p> <p>9 A That was in September -- the end of</p> <p>10 September to the first of October, I believe.</p> <p>11 Q Of -- of this year?</p> <p>12 A Of this year. I just went up there,</p> <p>13 because he just had had that surgery.</p> <p>14 Q How about driving trips locally?</p> <p>15 A Oh, I don't do too many driving. I used</p> <p>16 to love the highway, but it's -- it's hard on my</p> <p>17 back. I haven't been anywhere in a while.</p> <p>18 Q How about family vacations with Daniel</p> <p>19 and -- and his family?</p> <p>20 A No. They go and I take care of the dog.</p> <p>21 Q Any changes from prior to the incident to</p> <p>22 now in your lifestyle?</p> <p>23 A I'm not as busy as I used to be, because</p> <p>24 it -- my back is always bothering me. Like, my</p> <p>25 girlfriend and I love to go and hang out at the</p>

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<p style="text-align: right;">Page 170</p> <p>1 coffee shop and visit. We've been best friends for 2 over 30 years. I think we're going into our 33rd 3 year. But we only go maybe once or twice a year 4 now, because my back. I can't sit in a coffee shop 5 for two or three hours and just visit. So we talk 6 on the phone, but it's not the same.</p> <p>7 Q Yeah.</p> <p>8 What's her name?</p> <p>9 A Her name is Tony Aleman, A-L-E-M-A-N. She 10 started at the City with Accounting when I worked 11 there two weeks before my husband died. So when my 12 husband passed away and I came back to work, the 13 other girls couldn't come in the office; we'd all 14 start crying. So my supervisor started sending the 15 new girl, and the new girl ended up being my best 16 friend.</p> <p>17 Q And you've stayed in touch with her ever 18 since?</p> <p>19 A Yes.</p> <p>20 Q Where does she live?</p> <p>21 A She lives in Austin -- in North Austin. 22 And she works for the forensics section of Austin 23 Police Department. She also worked at one time for 24 Legal Department.</p> <p>25 Q And do you own a cell phone?</p>	<p style="text-align: right;">Page 172</p> <p>1 Q And the next age? 16.</p> <p>2 A And then her brother's 14. And he's a big 3 help. Like if I park in front, even if he's not 4 going with me, he'll come down the sidewalk and put 5 his arm out for me to step down and then with the 6 curb for me to step down. He's just there to make 7 sure I don't lose my balance. He'll walk me to the 8 car barefoot even, but I don't like that. I don't 9 like them running around barefoot outside.</p> <p>10 Q And the last age?</p> <p>11 A Oh, she's four. She's the princess. I'm 12 sorry. She just turned five December 2nd, and she 13 is the princess of the house.</p> <p>14 Q Any other changes to your lifestyle than 15 what we've spoken about?</p> <p>16 A Well, I don't travel by car like I'd love 17 to. I don't hang out with my girlfriend as often. 18 We used to go like every two weeks. Now we're down 19 to we're lucky if we get two times a year.</p> <p>20 Q Do you drive your own car for errands and 21 whatnot?</p> <p>22 A Yeah. But I don't -- I try to make -- I 23 try to do everything online. Like I do my shopping 24 online. I do anything I need, bank business, 25 online.</p>
<p style="text-align: right;">Page 171</p> <p>1 A Yes.</p> <p>2 Q Okay. Did you have a cell phone that day?</p> <p>3 A I'm sure I did.</p> <p>4 Q Did you use it during -- any time during 5 the incident?</p> <p>6 A I don't think so. I think I had already 7 turned it off. I have this fear about them coming 8 on the loud speaker and say, "There's someone here 9 who hasn't turned off their cell phone," and it's 10 going to be me. So I turn it off as soon as they 11 wheel me to the back.</p> <p>12 Q How about chores around the house?</p> <p>13 A I have a lot of difficulty doing chores. 14 One of the things -- I can get the sheets off the 15 bed now, but the mattress is too heavy for me to 16 pick up and put the sheets back on the bed. So I 17 have to wait until somebody's home that feels like 18 helping me make my bed.</p> <p>19 Q How old are the grandchildren that live 20 with you?</p> <p>21 A The oldest one now is 16. She's a great 22 helper. She also makes money for it, but she's a 23 great helper. She doesn't ask for the money. I 24 just feel like she's earned it. She has -- she has 25 a lot of stuff she does for me.</p>	<p style="text-align: right;">Page 173</p> <p>1 Q At one point you were a -- if I have this 2 right -- you were a Justice of the Peace?</p> <p>3 A No, no.</p> <p>4 Q Do you have -- like conduct weddings? No?</p> <p>5 A I didn't conduct the weddings. Roger 6 conducted the weddings.</p> <p>7 Q Oh. Oh, okay.</p> <p>8 A I would just put together the ceremonies 9 for him.</p> <p>10 Q Oh, okay.</p> <p>11 A I wasn't --</p> <p>12 Q When did you stop doing that?</p> <p>13 A We stopped that -- I don't even remember 14 what year now. He used to have a website that I 15 took care of. But during the height of my really 16 bad problems, which would have been some time 17 between August and October, that website was 18 supposed to be renewed. And I kept getting those 19 E-mails, but I thought they were something else. 20 And so they dropped the website, and so 21 Roger said leave it down, because it would be too 22 hard for me to put the ceremonies together for him 23 anyway.</p> <p>24 Q So are you saying that stopped --</p> <p>25 A Right.</p>

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1 Q -- after the incident?	1 MR. HEFWORTH: Is that a no?
2 A Right. The only -- he has two weddings	2 THE WITNESS: No.
3 that -- he's got one in July and one in January of	3 Q (By Mr. Comerford) So from the age of 16
4 next year, but it's because he's already married	4 or whatever, it was 30-something years you smoked?
5 other family members. They know our phone number	5 A Probably.
6 and they call and then Roger will do them. But two	6 Q How much?
7 things I can handle. That's not bad.	7 A A pack a day.
8 Q Okay.	8 Q And what brand?
9 A He just -- I just can't handle a website	9 A Kool Filter Kings.
10 and him getting booked continued -- constantly.	10 Q Always?
11 He'd have to find somebody else to help him.	11 A Always.
12 Q Okay. And do you have any social media	12 Q Kool Filter Kings?
13 accounts, Facebook?	13 A (Witness nods head.)
14 A No. I used to be on it, but I decided it	14 Q Yes?
15 was just nosy.	15 A Yes.
16 Q Was that before or after the incident?	16 Q Yeah. That's it.
17 A I got off of it after.	17 MR. COMERFORD: I'm done. Thanks.
18 Q All right.	18 MS. SALINAS: Need the mic.
19 A I got off of it when our President got	19 MR. COMERFORD: Oh.
20 elected.	20 THE VIDEOGRAPHER: Will you tape
21 Q Okay. All right. You want to take	21 that?
22 another break? I think I might be done.	22 EXAMINATION
23 A You're done or --	23 BY MS. SALINAS:
24 Q I might be. I just want to kind of go	24 Q I'm sorry. You ready to go?
25 through everything.	25 A Uh-huh.
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1 A Okay.	1 Q Okay. My name is Joanna Salinas. I
2 THE VIDEOGRAPHER: The time is 12:52.	2 represent the City of Austin. I only have a few
3 This the end of Media 3. We are off the record.	3 things, and I'll be jumping around a little bit,
4 (Off the record 12:52 to 12:56)	4 because you've already been thoroughly questioned.
5 THE VIDEOGRAPHER: The time is 12:56.	5 And I don't want to waste our time on things that
6 This is the beginning of Media 4. We are on the	6 have already happened. Okay?
7 record.	7 A Okay.
8 Q (By Mr. Comerford) All right. Again,	8 Q When you were talking about getting from
9 you're under oath, I just want to remind you.	9 the area where you checked in your luggage to where
10 My last set of questions are about a	10 you wait for the shuttle bus, did you go through
11 history of smoking. When did you start smoking?	11 Security at the normal level and then you went
12 A 16.	12 downstairs after, or did you go through Security
13 Q And are you smoking now?	13 after you had gone downstairs?
14 A No.	14 A No. I went through Security after she
15 Q When did you stop smoking? I should ask	15 picked me up near the check-in place where you go in
16 this, when was your last cigarette?	16 and you say who you are and give them your license.
17 A December 22nd of 2015, before I went to do	17 Then we went through Security.
18 the next surgery. Dr. Madera said she'd make a deal	18 But the difference is when you're in a
19 with me, she'd do -- because we knew we had to take	19 wheelchair they have a side gate.
20 the disc out. Instead of cutting a little piece of	20 Q Right.
21 disc off my hip bone, she would use a cadaver disc,	21 And I -- I -- I think everyone wants to
22 but only if I quit smoking. Well, that would only	22 try to be done, so I'm going to stay -- make you
23 be one cut instead of two, so I said okay.	23 stick to my questions. Okay?
24 Q And you have never had a cigarette since?	24 A Okay.
25 A Huh-uh.	25 Q So I just want to know if you went to

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1 Security upstairs --	1 A I don't believe so.
2 A Yes.	2 Q No other small talk, no other discussion
3 Q -- or if you went to Security downstairs?	3 about the transport itself. Correct?
4 A Upstairs.	4 A Correct. I -- I don't -- I don't believe
5 Q All right. So before -- they wheeled you	5 I had any. I sent an E-mail --
6 over to the regular Security area, but they put you	6 Q Right. We'll get to that afterwards.
7 through an aisle that's for wheelchair users.	7 A Okay.
8 Correct?	8 Q But -- but there, at the airport, ready to
9 A Correct.	9 board your plane --
10 Q And then after you went through Security	10 A That was the only two.
11 that's when they took you to an elevator that took	11 Q Perfect.
12 you downstairs to the waiting room downstairs?	12 And no one else you talked to from the
13 A Correct.	13 City of Austin that you know of once you arrived
14 Q And then in the waiting room downstairs	14 there at the tarmac and as you went onto the plane,
15 you were in like a -- a waiting room. Correct?	15 just the two firefighters?
16 A Right.	16 A Correct.
17 Q And that's where everyone else boarded the	17 Q The communication -- I've kind of looked,
18 shuttle, and you and the kind of two other groups	18 and I think -- I haven't seen in the documents that
19 waited for the shuttle to come back?	19 I have from -- from you the -- the E-mail that you
20 A Correct.	20 talked about sending to Frontier, City of Austin.
21 Q Between the time you arrived at the	21 I know you sent one, right, because I know
22 airport and went to the Frontier counter and the	22 there's a response. But I haven't seen what you
23 time you got downstairs where you were waiting for	23 sent. Have you seen that in the documents you've
24 the shuttle bus, did you ever talk to anyone who was	24 reviewed?
25 employed by the City of Austin?	25 A The -- that I've reviewed today?
<b>Page 179</b>	<b>Page 181</b>
1 A I don't believe so.	1 Q Any -- that you reviewed.
2 Q The people you dealt with were either the	2 I know you said you reviewed documents to
3 TSA Security people or someone who was there either	3 prepare for the deposition. Do you remember seeing
4 hired by or on behalf of Frontier. Correct?	4 that document?
5 A Correct.	5 A No. I didn't see it recently, but I --
6 Q And then when you got downstairs and you	6 well, let me backtrack.
7 were waiting for the shuttle bus was there anyone	7 I did see it recently, but on my computer.
8 from the City of Austin that you dealt with there?	8 I was looking for something from the time period
9 A No.	9 when I was doing this last pack of paperwork that we
10 Q So the first people you dealt with from	10 turned in just Wednesday, I think.
11 the City of Austin, as far as you know, were the	11 Q Sure.
12 firefighters who came up once you arrived on the	12 A And there was some information like a date
13 shuttle bus?	13 or something and I was having to go through a bunch
14 A Correct.	14 of the E-mails trying to find the specific E-mail
15 Q You talked about having a conversation	15 that I was referencing. But, yes, I did see it on
16 with the gentlemen who were there from the Fire	16 my computer, though.
17 Department.	17 Q All right. So I -- I would ask you if
18 Other than speaking to them initially as	18 you'll go back to where you found that and print and
19 they were about to walk through and then I think you	19 give to your attorney that communication, because I
20 had two sentences you all had when you were upstairs	20 haven't seen that yet.
21 after you arrived at the plane itself --	21 A Okay.
22 A Uh-huh.	22 Q And was it one E-mail communication that
23 Q -- any other communications you had with	23 was to both Frontier people and to City of Austin
24 anyone from the Fire Department besides what you've	24 people or two different E-mails that you first sent?
25 already told us about?	25 A I think it was the same E-mail, but I'm

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<p>1 not 100 percent certain of that.</p> <p>2 Q And that E-mail is one that you sent while</p> <p>3 you were still in Colorado before you'd come back to</p> <p>4 Austin?</p> <p>5 A Yes, yes.</p> <p>6 Q And did you get an E-mail response at that</p> <p>7 point after you sent it?</p> <p>8 A I didn't get anything back at that point</p> <p>9 from Aviation. But I did from Special Needs of</p> <p>10 Frontier.</p> <p>11 Q Okay. So -- and I don't think I've seen</p> <p>12 that, either. So if you will -- when you're doing</p> <p>13 your search, any E-mails that you have that are to</p> <p>14 or from the City and any representative of the City</p> <p>15 to Frontier and any representatives of Frontier</p> <p>16 related to this incident, will you get everything</p> <p>17 that you can find and provide that to your attorney?</p> <p>18 A I sure will. He may already have it.</p> <p>19 Q Okay. Well, that -- if you will just make</p> <p>20 sure. We want to make sure we have everything</p> <p>21 that -- that exists. And -- and I'm hearing about a</p> <p>22 few things that I don't recall seeing.</p> <p>23 A Okay.</p> <p>24 Q Other than -- so did you end up in a</p> <p>25 dialogue with the Frontier people?</p>	<p>1 A Correct.</p> <p>2 Q Other than that correspondence from the</p> <p>3 City of Austin, is there any other communication in</p> <p>4 writing with the City that you're aware of?</p> <p>5 A Yes, there was. And I got a response. I</p> <p>6 had written to the Mayor's or the City Manager's</p> <p>7 office - I can't remember which now - and I got a</p> <p>8 response from a John Cortez. I know his last name's</p> <p>9 Cortez, because I just saw the E-mail recently.</p> <p>10 And he worked -- he worked in the Mayor's</p> <p>11 office, I believe. And he just said -- his was so</p> <p>12 brief, "I'll check on it." That was it. I thought</p> <p>13 that's an employee who's not going to look into it.</p> <p>14 Q So other than that, that's all you</p> <p>15 remember getting from the City?</p> <p>16 A Yes.</p> <p>17 Q Is there any conversations you had on the</p> <p>18 phone with anyone from the City of Austin about this</p> <p>19 incident?</p> <p>20 A No.</p> <p>21 Q Any phone conversations you had with</p> <p>22 anyone from Frontier about this incident?</p> <p>23 A Not phone conversations, no.</p> <p>24 Q All right. So you'll go back, you'll</p> <p>25 gather any written E-mails or letters that you have</p>
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<p>1 I know that you said they E-mailed you</p> <p>2 back. Did you E-mail them, they E-mail you --</p> <p>3 A No.</p> <p>4 Q -- or was it just the one exchange?</p> <p>5 A It was the one exchange. She assured me</p> <p>6 that we would be pulling up to a chute. There was</p> <p>7 no loading or unloading on the -- from the tarmac.</p> <p>8 Q For the return flight?</p> <p>9 A For the return flight.</p> <p>10 Q So she E-mailed you --</p> <p>11 A Because I wasn't going on it --</p> <p>12 THE WITNESS: I'm sorry.</p> <p>13 Q She E-mailed you back before you had left</p> <p>14 Colorado?</p> <p>15 A Yes.</p> <p>16 Q Other than that one E-mail exchange with</p> <p>17 Frontier, any other E-mail exchanges with Frontier?</p> <p>18 A I can't remember. I've got a lot of</p> <p>19 E-mails. So I'd have to look back and see if there</p> <p>20 were.</p> <p>21 Q Okay. I know that you received a letter</p> <p>22 from Stephanie from City of Austin, right, who</p> <p>23 answered you later, right? You had already -- you</p> <p>24 were back in Austin by the time you got her</p> <p>25 response. Correct?</p>	<p>1 to or from the City or Frontier and you'll get them</p> <p>2 to your lawyer?</p> <p>3 A Well, he already has the Frontier's, I</p> <p>4 think.</p> <p>5 MR. COMERFORD: Your lawyer.</p> <p>6 THE WITNESS: I'm sorry.</p> <p>7 Q (By Ms. Salinas) Get it to your lawyer.</p> <p>8 A Right.</p> <p>9 Q We just -- we want to make sure we have</p> <p>10 everything.</p> <p>11 A Okay.</p> <p>12 Q So -- and -- and now you've told me for</p> <p>13 sure that you've got it. Right? Not everybody can</p> <p>14 find things in their old E-mail, but you've just</p> <p>15 seen it. So it -- you should be able to make a copy</p> <p>16 of that and get it off to your lawyer?</p> <p>17 A Right.</p> <p>18 Q I'd much prefer to have two copies of</p> <p>19 something and discover there was something you</p> <p>20 thought we had that we didn't.</p> <p>21 A Okay.</p> <p>22 Q Okay?</p> <p>23 At the time of the incident you did not</p> <p>24 tell anyone from the City that you thought that</p> <p>25 you'd been hurt as you were going up the stairs.</p>



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<p>1 Correct?</p> <p>2 A No. The -- the only people that was from</p> <p>3 the City were the two firemen, and they were doing</p> <p>4 what they were told to do. They weren't -- they</p> <p>5 didn't come and say, oh, we'll just carry you up</p> <p>6 this chair and scare you to death and see if we can</p> <p>7 make your back a little bit more -- no. They --</p> <p>8 someone between Frontier and the City had a</p> <p>9 conversation for whatever the real reason was.</p> <p>10 Derek told me they were doing a test run, and that's</p> <p>11 why we were loading off the tarmac. Whether or not</p> <p>12 that was true, I don't know.</p> <p>13 But I also have seen that they didn't have</p> <p>14 a chute. But there were a lot of empty ones, so did</p> <p>15 they mean they didn't have someone to work the</p> <p>16 chute? Well, they had to work the plane off the</p> <p>17 tarmac. So, you know, I don't have any idea.</p> <p>18 The firemen were just doing what they were</p> <p>19 told. And somebody -- I don't -- have never known</p> <p>20 who's responsible for supplying the equipment in an</p> <p>21 airport that a handicapped person needs. Like they</p> <p>22 bought the -- the City bought the lift. But is it</p> <p>23 their responsibility to have it or is it Frontier's</p> <p>24 responsibility?</p> <p>25 Q The fire --</p>	<p>1 You felt like they were trying to do it</p> <p>2 right. Correct?</p> <p>3 A Yes.</p> <p>4 Q You didn't think they were trying to be</p> <p>5 careless?</p> <p>6 A No.</p> <p>7 Q They weren't unmindful of -- of using</p> <p>8 care. Correct?</p> <p>9 A Correct.</p> <p>10 Q You felt like they were being reasonably</p> <p>11 careful given the circumstances they were faced</p> <p>12 with?</p> <p>13 A Correct.</p> <p>14 MS. SALINAS: You know, I'll pass the</p> <p>15 witness.</p> <p>16 MR. HEPWORTH: Just take this right</p> <p>17 off then?</p> <p>18 THE VIDEOGRAPHER: You know what, I'm</p> <p>19 just going to -- you go right ahead and talk, and</p> <p>20 I'll turn that up.</p> <p>21 MR. HEPWORTH: Okay. Fantastic.</p> <p>22 EXAMINATION</p> <p>23 BY MR. HEPWORTH:</p> <p>24 Q Good afternoon, Ms. White. My name is</p> <p>25 Andrew Hepworth. I represent Flight Services and</p>
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<p>1 MR. HEPWORTH: Objection;</p> <p>2 nonresponsive.</p> <p>3 Q The firefighters that showed up were</p> <p>4 respectful of you?</p> <p>5 A Oh, yes.</p> <p>6 Q You don't have any complaint about --</p> <p>7 A Oh, no, they were very nice.</p> <p>8 Q You've got to let me finish. Okay?</p> <p>9 THE REPORTER: Guys, please.</p> <p>10 MS. SALINAS: Right.</p> <p>11 THE REPORTER: Yeah.</p> <p>12 Q (By Ms. Salinas) You don't have any</p> <p>13 complaints about the way the firefighters spoke with</p> <p>14 you. Correct?</p> <p>15 A Correct.</p> <p>16 Q You don't have any complaints that they</p> <p>17 were rushing or being impatient with you?</p> <p>18 A No.</p> <p>19 Q Did you feel like they were being careful</p> <p>20 as they were getting -- you know, going up the</p> <p>21 stairs carrying this chair?</p> <p>22 A They were doing the best they could --</p> <p>23 Q They --</p> <p>24 A -- under the circumstances.</p> <p>25 Q Right.</p>	<p>1 Systems. Do you understand who I am?</p> <p>2 A You're with the City of Austin Aviation?</p> <p>3 Q Flight Services and Systems. It's a</p> <p>4 vendor at the airport.</p> <p>5 A Oh, I didn't know that. Okay.</p> <p>6 Q Is it all right if I refer to Flight</p> <p>7 Services and Systems as FSS --</p> <p>8 A Sure.</p> <p>9 Q -- you'll understand who I'm talking</p> <p>10 about?</p> <p>11 A Sure.</p> <p>12 Q Have you gone by any other names besides</p> <p>13 Maxine White?</p> <p>14 A No.</p> <p>15 Q Maiden name?</p> <p>16 A Miller.</p> <p>17 Q Miller?</p> <p>18 A Uh-huh.</p> <p>19 Q And do you have a middle name?</p> <p>20 A May.</p> <p>21 Q M-A-Y?</p> <p>22 A Uh-huh.</p> <p>23 THE REPORTER: You have to speak up.</p> <p>24 THE WITNESS: I'm sorry.</p> <p>25 Q (By Mr. Hepworth) Do you recall talking</p>

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<p>1 to anyone about this incident either on the date of</p> <p>2 the incident or after the incident -- anyone who</p> <p>3 worked for FSS?</p> <p>4 A No.</p> <p>5 Q Do you recall talking to anyone else at</p> <p>6 the gates besides the woman pushing you in the</p> <p>7 wheelchair, Derek and the Frontier check-in lady?</p> <p>8 A There was no one else, no.</p> <p>9 Q Okay. You had described a number of falls</p> <p>10 unrelated to this incident, both before and after</p> <p>11 the incident. Is that correct?</p> <p>12 A Correct.</p> <p>13 Q Approximately how many falls have there</p> <p>14 been unrelated to this incident?</p> <p>15 A Okay. I've had two this year. I would</p> <p>16 say three or four.</p> <p>17 Q Three or four after the incident.</p> <p>18 Correct?</p> <p>19 A Yes.</p> <p>20 Q And then there have been falls --</p> <p>21 A Well, wait. Maybe four or five. If --</p> <p>22 after the incident I fell twice before the</p> <p>23 surgeries. And then that would have moved us into</p> <p>24 '16. And I think I fell once there.</p> <p>25 '17, I don't think I fell. But this year</p>	<p>1 of ten?</p> <p>2 A I would say six. It hurt.</p> <p>3 Q Would you say that that impact was harder</p> <p>4 than the impact in the incident where you described</p> <p>5 it a four out of ten?</p> <p>6 A They were different types, so the head</p> <p>7 hurt a lot. I thought my head was bleeding. I --</p> <p>8 I -- I was like I know there's blood, and I couldn't</p> <p>9 feel any liquid. They were just different kind of</p> <p>10 impacts and falls, you know. They weren't --</p> <p>11 Q But it was a harder impact?</p> <p>12 A Right, right, right. Because I went</p> <p>13 straight back.</p> <p>14 Q And when you say straight back, you didn't</p> <p>15 kind of flip all the way back right onto your head.</p> <p>16 There was -- there was an impact first with your</p> <p>17 buttocks --</p> <p>18 A No --</p> <p>19 Q -- and then your back?</p> <p>20 A -- my head.</p> <p>21 Q Your head hit before anything else?</p> <p>22 A Yes. And my granddaughter who was four at</p> <p>23 the time, she come over and looked at me and said,</p> <p>24 "Are you okay, grandma? You broke your little</p> <p>25 head."</p>
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<p>1 I've fallen twice in February.</p> <p>2 Q Upwards of five --</p> <p>3 A Yeah.</p> <p>4 Q -- after the -- the incident?</p> <p>5 A (Witness nods head.)</p> <p>6 Q Is that a yes?</p> <p>7 A Yes. I'm sorry.</p> <p>8 Q And prior to the incident there were a</p> <p>9 number of falls, as well?</p> <p>10 A I fell. I just don't remember how many.</p> <p>11 Q Okay. These falls, you have both caught</p> <p>12 yourself before hitting the ground, correct, and</p> <p>13 then there have been times where you have hit the</p> <p>14 ground in these falls?</p> <p>15 A Yes.</p> <p>16 Q All right. You also described a 2017 fall</p> <p>17 wherein you hurt your head and you said you had fell</p> <p>18 straight back. Is that correct?</p> <p>19 A Straight back, correct.</p> <p>20 Q Straight back onto your back?</p> <p>21 A Yes.</p> <p>22 Q And you hit your head?</p> <p>23 A Yes.</p> <p>24 Q Okay. Would -- could you describe that</p> <p>25 impact, rate it one out of ten, two of ten, ten out</p>	<p>1 But I was just fortunate I did not hurt</p> <p>2 myself at all other than my -- there was a spot in</p> <p>3 my head that Dr. Le could see where the -- the blood</p> <p>4 had formed and how close it was to actually breaking</p> <p>5 my head open, and it was long. It was a really long</p> <p>6 area.</p> <p>7 Q Okay. And were there -- have there been</p> <p>8 other falls prior to the incident where you fell and</p> <p>9 contacted the ground -- fell to the ground?</p> <p>10 A Forward.</p> <p>11 Q Forward?</p> <p>12 A Right. One time I -- this last year --</p> <p>13 the other fall in seven -- that -- that I've had</p> <p>14 this year, I'm sorry, I was going into the living</p> <p>15 room. And just as I went -- the -- the living room</p> <p>16 is sunken in the house, so you have to step down.</p> <p>17 And just as I went to step down, I could feel that</p> <p>18 my -- my -- it's like my spine just goes</p> <p>19 (descriptive noise) and you fall. And I managed to</p> <p>20 throw myself into the loveseat. I just threw myself</p> <p>21 over the arm of it. And waited until I felt like I</p> <p>22 could sit down there. And then so I kind of inched</p> <p>23 around, but it's -- most of the falls are not that</p> <p>24 hard, and they're usually forward.</p> <p>25 Q Okay. Well, my -- my question is a little</p>

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<p style="text-align: right;">Page 194</p> <p>1 more specific, and it's -- it's about the harder</p> <p>2 falls.</p> <p>3 A Okay.</p> <p>4 Q Were there --</p> <p>5 A Well, the only harder one was my head.</p> <p>6 Q I understand that.</p> <p>7 I'm talking about pre-incident, so before</p> <p>8 June of 2015 there had been falls where you fell</p> <p>9 forward and you fell to the ground. Is that</p> <p>10 correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. And did you have to seek medical</p> <p>13 care as a result of any of those falls?</p> <p>14 A I can't remember if I did or not, because</p> <p>15 after a while -- I mean, Dr. Le and Dr. Guerra both</p> <p>16 knew that I was falling. And only until I had that</p> <p>17 last MRI where Dr. Madera saw what was going on in</p> <p>18 my neck with that disc that had to be replaced, I</p> <p>19 had to go to the emergency room and have MRIs done</p> <p>20 to make sure that I hadn't done some other damage in</p> <p>21 the fall.</p> <p>22 So when I fell going into the restaurant,</p> <p>23 I fell on my knees and kind of turned my ankle. So</p> <p>24 I did go to -- I did go to MRI -- or go and have</p> <p>25 MRIs done that day at the hospital. So falls since</p>	<p style="text-align: right;">Page 196</p> <p>1 A Right.</p> <p>2 Q Are there any other activities, hobbies,</p> <p>3 clubs, religious organizations where you can no</p> <p>4 longer participate because of this incident?</p> <p>5 A Travel by car. I love traveling by car.</p> <p>6 I love to go to Coushatta in, you know, Louisiana.</p> <p>7 That's a five-and-a-half hour drive. So I don't go</p> <p>8 there. I haven't gone up there in some years, but</p> <p>9 I'd love to go. I just don't feel my body's ready</p> <p>10 for that kind of a trip.</p> <p>11 Q And it's the driving in particular?</p> <p>12 A Right. It's the driving and the sitting.</p> <p>13 Like, now, my back is really bothering me. So soon</p> <p>14 as I get to the car, I will take some medicine. But</p> <p>15 I can't sit for long periods of time. It -- it just</p> <p>16 makes that lower spine start hurting really bad.</p> <p>17 Q Besides sitting and walking, what other</p> <p>18 physical limitations do you feel like you have,</p> <p>19 reaching, bending --</p> <p>20 A I can't -- right. I -- if I get on the</p> <p>21 floor, I want to do something on the floor, like I</p> <p>22 have this one cabinet that I'd love to be able to</p> <p>23 sit down on the floor and clean the thing out. But</p> <p>24 if I get down on the floor, if there's no one else</p> <p>25 there, I'll be staying on the floor until somebody</p>
<p style="text-align: right;">Page 195</p> <p>1 the incident --</p> <p>2 Q Prior to the incident.</p> <p>3 A Prior to? No. I would just make an</p> <p>4 appointment and go in and see the doctor and let her</p> <p>5 know I was falling again.</p> <p>6 Q Have you been given any physical</p> <p>7 limitations by your doctors as to what you cannot</p> <p>8 do?</p> <p>9 A Well, I know my own physical limitations.</p> <p>10 I can't --</p> <p>11 Q Well, my question is more specific --</p> <p>12 A Right.</p> <p>13 Q -- again. Please let me finish.</p> <p>14 Have you been given any physical</p> <p>15 limitations by your doctors as to what you cannot</p> <p>16 do?</p> <p>17 A The limitation is I do what I can do, and</p> <p>18 I know when to stop. And that has been said by all</p> <p>19 three of my doctors, Dr. Le, Dr. Madera and</p> <p>20 Dr. Guerra.</p> <p>21 Q Okay. You described a little bit what --</p> <p>22 how your life has changed since the incident. For</p> <p>23 instance, what activities you can no longer</p> <p>24 participate in. And you talked about going to the</p> <p>25 coffeehouse with your girlfriends.</p>	<p style="text-align: right;">Page 197</p> <p>1 comes home. I'm -- my body can't pick me up no</p> <p>2 more -- longer at all.</p> <p>3 Q Have you ever been involved in a motor</p> <p>4 vehicle accident before?</p> <p>5 A When Daniel was about seven months old I</p> <p>6 had just left our credit union, and a car -- the</p> <p>7 traffic was really bad. It was around</p> <p>8 5:00-something. I thought it was really bad. It's</p> <p>9 really bad now.</p> <p>10 Daniel is 37 now, so he was not even a</p> <p>11 year old. So I started going across across [sic]</p> <p>12 and a car came and cut through and hit me. And he</p> <p>13 was at fault. He -- he should have stopped and made</p> <p>14 sure there wasn't anybody else coming up in the</p> <p>15 other lane. But that's -- I've only been in a</p> <p>16 couple of accidents in my whole life. That was --</p> <p>17 that was one of them.</p> <p>18 Q So there's that accident about 35,</p> <p>19 36 years ago?</p> <p>20 A Yeah.</p> <p>21 Q Did you -- was an ambulance called?</p> <p>22 A No.</p> <p>23 Q No.</p> <p>24 Did you seek any kind of medical</p> <p>25 treatment?</p>

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<p>1 A No.</p> <p>2 Q Have there been any accidents more</p> <p>3 recently?</p> <p>4 A Oh, Lord, no.</p> <p>5 Q That was the last accident?</p> <p>6 A That was the last accident I was in.</p> <p>7 Q On the date of the incident, were you ever</p> <p>8 given an opportunity to cancel your flight or change</p> <p>9 your flight?</p> <p>10 A No.</p> <p>11 Q Did you ask?</p> <p>12 A No. I didn't have any clue as to what was</p> <p>13 going to happen until we got outside and then they</p> <p>14 couldn't take the wheelchair up. And I had to be on</p> <p>15 that flight. I -- I just felt like I had to be on</p> <p>16 it.</p> <p>17 Well, then the fireman came, and that was</p> <p>18 the only solution they had. They didn't offer to</p> <p>19 drive it up to one of those vacant chutes and let me</p> <p>20 climb on.</p> <p>21 Q What vacant chutes are you talking about?</p> <p>22 A There were some -- they -- one of the</p> <p>23 things has been said is the reason we loaded down</p> <p>24 there was they didn't have any available chutes.</p> <p>25 Q And who told you that?</p>	<p>1 Estes Park. It's a place -- there's tons of cabins</p> <p>2 and all kind of other places you can rent, because</p> <p>3 it's right there at the Rocky Mountain National</p> <p>4 Park.</p> <p>5 Q Can you describe the flight to Denver on</p> <p>6 the date of incident? Was there turbulence at all?</p> <p>7 A I don't remember. I'm sorry, I don't</p> <p>8 remember. I know that once I got in that seat,</p> <p>9 almost immediately, the lady came and brought me</p> <p>10 some water. I got in my purse. I took the medicine</p> <p>11 out I needed, and I just sat back and closed my</p> <p>12 eyes. Because this gentleman next to me did not</p> <p>13 want me to bother them at all. They were already</p> <p>14 mad at me.</p> <p>15 Q I think you have rated your pain the</p> <p>16 morning of the incident before you were boarded on</p> <p>17 the plane as a two out of ten, and then it -- it was</p> <p>18 more like a six out of ten after the incident. Is</p> <p>19 that correct?</p> <p>20 A Right. That's correct.</p> <p>21 Q This was not the worst back pain that you</p> <p>22 had experienced before. Is that correct?</p> <p>23 A That's correct.</p> <p>24 Q You had previously had worse back pain --</p> <p>25 A Yes.</p>
Page 199	Page 201
<p>1 A It was in one of those papers I saw, one</p> <p>2 of the things that I just -- I just recently did.</p> <p>3 And the day of it, I had met that Frontier employee</p> <p>4 named Derek and told me it was a test run. They</p> <p>5 were trying to see how long it would take to load</p> <p>6 all the passengers off of there where we were at.</p> <p>7 And the next day he was flying to Florida - I don't</p> <p>8 remember what city - and doing the same thing there.</p> <p>9 Q Okay. When you were faced with the rescue</p> <p>10 chair I think is what you called it?</p> <p>11 A I called it, right.</p> <p>12 Q Did you then request to cancel your flight</p> <p>13 or change it?</p> <p>14 A Well, no, because I had no clue what --</p> <p>15 how it was going to work out at that --</p> <p>16 Q You -- you said that you felt like you had</p> <p>17 to be on that flight --</p> <p>18 A Right. I wanted to be with my family.</p> <p>19 Q Please let me --</p> <p>20 A I'm sorry.</p> <p>21 Q -- finish my question.</p> <p>22 Why did you feel like you had to be on</p> <p>23 that flight?</p> <p>24 A Because that's when I had booked the</p> <p>25 flight to go and visit with my family and go to</p>	<p>1 Q -- 14 out of ten I think you described?</p> <p>2 A Well -- I'm sorry?</p> <p>3 Q You had described back pain as a 14 out of</p> <p>4 ten. Is -- is that correct?</p> <p>5 A Right. That was a sciatic nerve.</p> <p>6 Q Have you sought any kind of psychological</p> <p>7 or psychiatric treat -- treatment after this</p> <p>8 incident?</p> <p>9 A No.</p> <p>10 Q You described it as terrifying --</p> <p>11 A It was.</p> <p>12 Q Did you feel like you needed to seek any</p> <p>13 kind of counseling as a result of the incident?</p> <p>14 A No.</p> <p>15 Q I have no more questions.</p> <p>16 MR. HEPWORTH: I'll pass the witness.</p> <p>17 MR. LEVINE: No further questions.</p> <p>18 THE REPORTER: Anybody?</p> <p>19 MR. COMERFORD: I'm done.</p> <p>20 THE VIDEOGRAPHER: All right.</p> <p>21 Standby. The time is 1:24. This is the end of</p> <p>22 Media 4 and the conclusion of the deposition. We</p> <p>23 are off the record.</p> <p>24 (Off the record 1:24 p.m.)</p> <p>25</p>

**MAXINE WHITE vs FRONTIER AIRLINES, INC., ET AL.**  
**Maxine White on 12/19/2018**

**Pages 202..205**

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1 CHANGES MADE TO DEPOSITION				1 IN THE UNITED STATES DISTRICT COURT			
2 No erasures or obliterations of any kind are to				2 FOR THE WESTERN DISTRICT OF TEXAS			
3 be made to the original testimony as transcribed by				3 AUSTIN DIVISION			
4 the deposition officer. Please enter the page				4 MAXINE WHITE, *			
5 number, line number and reason for such change or				5 Plaintiff *			
6 correction below.				6 V. *			
7				7 * JURY DEMAND			
8				8 FRONTIER AIRLINES, INC., *			
9				9 Defendant *			
10				10 - *			
11				11 THE AUSTIN FIRE DEPARTMENT, *			
12				12 THE CITY OF AUSTIN AVIATION *			
13				13 DEPARTMENT, AUSTIN-BERGSTROM *			
14				14 INTERNATIONAL AIRPORT, THE *			
15				15 CITY OF AUSTIN, AND FLIGHT *			
16				16 SERVICES & SYSTEMS, INC., *			
17				17 Third-Party Defendants. *			
18				18			
19				19 REPORTER'S CERTIFICATION			
20				20 DEPOSITION OF MAXINE WHITE			
21				21 DECEMBER 19, 2019			
22				22			
23				23 I, Rhonda Howard, Certified Shorthand			
24				24 Reporter in and for the State of Texas, hereby			
25				25 certify to the following:			
DATE				26 That the witness, MAXINE WHITE, was duly			
MAXINE WHITE				27 sworn by the officer and that the transcript of the			
				28 oral deposition is a true record of the testimony			
				29 given by the witness;			
				30 That the deposition transcript was			
				31 submitted on the 7th day of January, 2019 to Mr.			
				32 Joel A. Levine, THE LAW OFFICE OF JOEL A. LEVINE, PLLC, 1515 W.			
				33 Koenig Lane, Austin, Texas 78756, (512) 982-1510,			
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**Maxine White on 12/19/2018**

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3	2019.	
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RHONDA HOWARD, Texas  
Expiration Date 12/31/20  
HUSEBY AUSTIN  
7000 North Mopac Expressway  
2nd Floor  
Austin, Texas 78731  
(512) 687-0424

Job No. 221429 RH

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